بسم الله الرحمن الرحيم

Facebeook Ameer QA

Answer to Question

Speaking the Word of Truth Aloud

To Mustafa Ali Ibrahim

(Translated)

Question:

Assalamu Alaikum Wa Rahmatullahi Wa Barakatuh

I have a question:

Surah Yunus verse 90: [فَأَتْبَعَهُمْ فِرْعَوْنُ وَجُنُودُهُ] “Then Pharaoh and his soldiers pursued them” and Surat Taha verse 78: [فَأَتْبَعَهُمْ فِرْعَوْنُ بِجُنُودِهِ] “Then Pharaoh pursued them with his soldiers”

Does this mean that the ruler’s order and the ruler’s action are the same thing, so that we say that standing against his orders is the same as standing against his actions, meaning that we say a word of truth in front of his police or his assistants, like speaking in front of him? « أَفْضَلُ الْجِهَادِ كَلِمَةُ حَقٍّ عِنْدَ سُلْطَانٍ جَائِرٍ» "a word of truth spoken before an unjust rulers". Thank you.

You have the right to change the wording of the question, and may Allah reward you.

Answer:

Wa Alaikum Assalam Wa Rahmatullahi Wa Barakatuh

First: With regard to the two verses mentioned in the question, which are what Allah Almighty says in Surah Yunus, verse 90:

[وَجَاوَزْنَا بِبَنِي إِسْرَائِيلَ الْبَحْرَ فَأَتْبَعَهُمْ فِرْعَوْنُ وَجُنُودُهُ بَغْياً وَعَدْواً]

“We brought the Children of Israel across the sea. Then Pharaoh and his soldiers pursued them unjustly and oppressively”, and the Almighty said in Surat Taha, verse 78:

[فَأَتْبَعَهُمْ فِرْعَوْنُ بِجُنُودِهِ فَغَشِيَهُمْ مِنَ الْيَمِّ مَا غَشِيَهُمْ]“Then Pharaoh pursued them with his soldiers—but how overwhelming were the waters that submerged them!” It is as if you are pointing out the difference in the meaning derived from the use of the letter الواو and the letter الباء in the words (his soldiers), as Allah Almighty says in the first verse: [فَأَتْبَعَهُمْ فِرْعَوْنُ وَجُنُودُهُ] “Then Pharaoh and his soldiers”, while Allah Almighty says in the second verse:

[فَأَتْبَعَهُمْ فِرْعَوْنُ بِجُنُودِهِ] “Then Pharaoh pursued them with his soldiers”. The meaning of “follow them” is that he followed them and caught up with them, according to what is mentioned in the books of Tafseer.

But the first verse [فِرْعَوْنُ وَجُنُودُهُ] “Pharaoh and his soldiers”, According to the language, it is understood that Pharaoh was among those who pursued them, meaning that the pursuit of Moses, peace be upon him, and the Children of Israel (Bani Israel) involved Pharaoh, may Allah curse him, and he was among those who followed them and caught up with them. This is because the الواو in the word (and his soldiers) here indicates participation, that is, the participation of Pharaoh and his soldiers in the pursuit of the Children of Israel (Bani Israel).

As for the second verse:[فِرْعَوْنُ بِجُنُودِهِ] “Pharaoh with his soldiers”. It can be understood from it according to the language that Pharaoh participated with his soldiers and their companion in the pursuit, but it can also be understood from it according to the language that Pharaoh did not participate with his soldiers and did not go out with them, but rather only sought help from them in the pursuit, and that is because the “ba” in the language indicates companionship and assistance. So the word (with his soldiers) in the verse can be used as a language of accompaniment, meaning that Pharaoh was accompanied by his soldiers in pursuing Bani Israel, and it can also be taken to mean seeking help, meaning he could be with them, and he could have sought help from his soldiers to pursue them without participating with them, meaning that the ones who pursued them were Pharaoh’s soldiers without Pharaoh himself.

The identification of one of the two meanings (accompaniment or assistance) is evident from the combination of the two verses:

The first verse has one meaning in language. And it is that Pharaoh, may Allah curse him, joined them, i.e., his companion, in catching up with Moses (as). The meaning of the second verse is likely in the language of accompanying, meaning he accompanied them in catching up with Moses, peace be upon

him, and it is also possible that he sought help, meaning he sought help from his soldiers to catch up with Moses (as) without Pharaoh accompanying them, may Allah curse him in that. Because the meaning of the two verses does not contradict each other, the meaning of combining the two verses is that Pharaoh was with his army in pursuing Moses (as). That is, theالباء in “with his soldiers” here indicates the meaning of accompanying, meaning that he was with his army in pursuing Moses, peace be upon him. This is with regard to the meaning of the two verses.

Secondly: As for the noble hadith mentioned in the question, it was narrated by Al-Tirmidhi in his Sunan on the authority of Abu Sa’id Al-Khudri that the Prophet (saw) said:

«إِنَّ مِنْ أَعْظَمِ الْجِهَادِ كَلِمَةَ عَدْلٍ عِنْدَ سُلْطَانٍ جَائِرٍ» "Indeed, among the greatest types of Jihad is a just statement before a tyrannical ruler". Abu Issa said, and in this chapter on the authority of Abu Umamah, and this is a hasan ghareeb hadith from this perspective. It was mentioned in Al-Mu’jam Al-Kabir by Al-Tabarani on the authority of Abu Umamah that the Messenger of Allah (saw) said:

«أَحَبُّ الْجِهَادِ إِلَى اللهِ كَلِمَةُ حَقٍّ تُقَالُ لإِمَامٍ جَائِرٍ» “The best Jihad for the sake of Allah, a word of truth spoken to an unjust imam”. In another narration by Al-Tabarani on the authority of Abu Umamah, that a man said at the Jamarat: O Messenger of Allah, which jihad is best? He said:

«أَفْضَلُ الْجِهَادِ كَلِمَةُ حَقٍّ عِنْدَ سُلْطَانٍ جَائِرٍ» “The best jihad is a word of truth before an unjust ruler.” The following was mentioned in the book of Aoun Al-Ma’boud in explaining this hadith: [... On the authority of Abu Sa’id Al-Khudri, who said: The Messenger of Allah (saw) said: The best jihad is a word of justice with an unjust ruler or an unjust prince. The companion of Awn al-Ma'boud said:

(The best jihad): That is, one of the best, as evidenced by the narration of Al-Tirmidhi: Indeed, one of the greatest jihads

(The word justice) And in a narration by Ibn Majah there is the word truth, and what is meant by the word is that which enjoins what is right or forbids what is wrong, whether a word or whatever it means, writing and the like.

(With an unjust ruler): That is, an oppressor. Indeed, this has become the best jihad, because whoever strives against the enemy is hesitating between hope and fear, not knowing whether he will conquer or be defeated.

The holder of authority is oppressed in his hand, so if he speaks the truth and enjoins M'aruf (good), he has been exposed to damage and is aiming for his own destruction. This becomes the best type of jihad for the sake of conquering fear, as Al-Khattābī and others said. (Or an unjust ruler (Ameer)): It seems that it is doubt from the narrator.].

From this honorable hadith it can be understood that the best jihad is to speak the word of truth before an unjust sultan, not before his followers. What is meant by an unjust sultan is an unjust prince, whether he is a president, a king, a prime minister, or a governor. He must have authority and rule in order for this preference to be given in speaking the truth before him.

But this does not mean that there is no virtue in speaking the word of truth before the followers of the unjust ruler. Speaking the word of truth is always good and virtuous. However, the special advantage that the Prophet (saw) mentioned in the hadith that we are considering is a preference related to the one who has authority, i.e., the ruler himself. Because of the importance of speaking the word of truth before him and the risk, courage, and strength it entails, as some commentators of the hadith mentioned:

[... Al-Khattabi said: Indeed, that became the best jihad; Because whoever strives against the enemy hesitates between hope and fear, not knowing whether he will prevail or be defeated. The holder of authority is oppressed in his hand, so if he speaks the truth and enjoins M'aruf (good), he has been exposed to damage, and he has set himself on destruction, and this has become a The superior types of jihad for the sake of conquering fear. Al-Muzher said: But it was better because the Sultan's injustice applies to everyone under his rule, and it is a great multitude. So, if he forbids injustice, then He brought benefit to many people other than killing an infidel (kaffir)...].

The whole talk is about the unjust ruler himself, not about his followers, assistants, and soldiers.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

17 Rajab Al-Khair 1445 AH

Corresponding to 29/01/2024 CE

Answer to Question

Belonging and Engaging in the Armies of Existing Regimes in Islamic Countries

To Mubdeen

(Translated)

Question:

A question, if you permit: What is the Islamic ruling on belonging and joining the armies of these regimes? Is it permissible for a young man to work in the armies of the current regimes and be promoted in its positions...

Answer:

Wassalamu alaikum wa Rahmatullah wa Barakatahu,

1- We had previously issued a statement on 8/6/2013 regarding working as a corporal or a policeman... and it stated:

[- Abu Ya'la narrated in his Musnad and Ibn Hibban in his Sahih, and the wording is by Abu Ya'la: On the authority of Abu Sa'id and Abu Hurairah, who said: The Messenger of Allah (saw) said:

« لَيَأْتِيَنَّ عَلَى النَّاسِ زَمَانٌ يَكُونُ عَلَيْكُمْ أُمَرَاءُ سُفَهَاءُ يُقَدِّمُونَ شِرَارَ النَّاسِ، وَيَظْهَرُونَ بِخِيَارِهِمْ، وَيُؤَخِّرُونَ الصَّلَاةَ عَنْ مَوَاقِيتِهَا، فَمَنْ أَدْرَكَ ذَلِكَ مِنْكُمْ، فَلَا يَكُونَنَّ عَرِيفاً وَلَا شُرْطِيّاً وَلَا جَابِياً وَلَا خَازِناً».

"A time will come when you will have idiotic and despotic rulers over you putting forward the most evil of people and follow them in their choices and they will delay the Prayer from its fixed times. So if you are in that time, then do not be a corporal, a policeman, a tax collector or treasurer..." In this hadith, the Messenger (saw) absolutely forbids these four under the rule of foolish rulers.

But Al-Tabarani narrated in Al-Saghir and Al-Awsat on the authority of Abu Hurairah the following narration:

«فَمَنْ أَدْرَكَ مِنْكُمْ ذَلِكَ الزَّمَانَ فَلَا يَكُونَنَّ لَهُمْ جَابِياً، وَلَا عَرِيفاً، وَلَا شُرْطِيّاً»

"Whoever of you reaches that time shall not be their tax collector, nor a foreman, nor a policeman." So, he says: «فَلَا يَكُونَنَّ لَهُمْ» "But he shall not be theirs." That is, the prohibition is restricted because the "اللام" is for specialization, and this means that the prohibition in the second hadith is related to the work of

these rulers, such as their private guards, the security departments designated for their protection, as well as the custodian of their money, and other security departments assigned to the rulers... Because the fundamentalist rules stipulate that the absolute applies to the restricted, then the prohibition is related to working in the police agencies specializing in the protection and security of the rulers... As for other regular police agencies, it is permissible. Of course, permissibility does not mean oppressing people or depriving them of their rights, but rather seeking the right in the work... Rajab Al-Fard 29, 1434 AH - June 8, 2013]

* The police mentioned in the hadith is as stated in Lisan al-Arab by Ibn Manzur:

[And a person stipulated himself for such-and-such, he made it known to him and prepared it, and from it the condition was called because they made for themselves a sign by which they identified one person as police.... The police in the Sultan are of sign and preparation, and a policeman and one attributed to the police, and the plural is a condition. They were called that because they prepared for that and informed themselves of signs, and it was said that they were the first battalion to witness the war...]

* It is stated in Al-Muhit Dictionary by Al-Fayrouzabadi:

[And the police, with the ḍham (بالضم): what you stipulated, it is said: Whatever you stipulated, it is said: Take your condition, and one of the conditions is like a string, and they are the first battalion to witness the war and prepare for death, and a group of the governors' assistants, and he is a policeman like Turks and Jahanis, they were called that because they identified themselves with signs by which they would be known.]

Thus, what applies to a policeman applies to a soldier in terms of whether it is permissible or not.

Therefore, working in the military force in Muslim countries is permissible unless it is a special force to guard the ruler who does not rule according to Islam, collect money for him, and guard this money. If he was in the special force to guard the ruler and his money, then it is forbidden. But if his work in the army is for other than that, then it is permissible. Of course, permissibility does not mean oppressing people or depriving them of their rights, but rather seeking the right in the work, doing it well to perfection.

I hope this is enough, and Allah Knows Best.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

17 Sha’ban 1445 AH

Corresponding to 27/02/2024 CE

Answer To Question

Striving Is Not the Cause of Rizq (Provision)

To: Muhammad Al-Khatib

(Translated)

Question:

With your permission, I would like to ask about the attribution of Rizq (provision). Does striving increase the amount of the written Rizq? Does this mean that the person sitting at home gets the same Rizq as when he works? Or in another way, advertising or promoting work increases the amount of written Rizq? Thank you. Please answer as soon as possible, and may Allah protect our sheikh and prolong his life.

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh,

It seems that you have some confusion regarding the subject of Rizq and striving... This matter is explained, especially in “Al-Kurrassah”, you can read it, it is detailed there, but I will summarize some of it for you:

[As for the issue of Rizq, the many verses with definite meaning leave no room for those who believe in the Qur’an except to believe that Rizq is in the hands of Allah, and He (swt) gives it to whomever He wishes. The issue of Rizq is different to the issue of Al-Qadar (divine destiny). Al-Qadar (divine destiny) is that Allah (swt) knows that a certain issue will happen before it happens, so, it has been written and destined. As for Rizq, it is not only that Allah (swt) knows that so-and-so will have provision, so, it has been written and destined, but in addition to that, i.e., in addition to the fact that He (swt) has destined Rizq, the Provider ((Al-Razzaq) is Allah and not the servant. This is what the verses indicate:

[لَا نَسْأَلُكَ رِزْقاً نَّحْنُ نَرْزُقُكَ وَالْعَاقِبَةُ لِلتَّقْوَى] “We ask you not for provision; We provide for you, and the [best] outcome is for [those of] righteousness” [Taha: 132]

[وَكُلُواْ مِمَّا رَزَقَكُمُ اللهُ حَلاَلاً طَيِّباً وَاتَّقُواْ اللهَ الَّذِيَ أَنتُم بِهِ مُؤْمِنُونَ] “And eat of what Allāh has provided for you [which is] lawful and good. And fear Allāh, in whom you are believers” [Al-Ma’idah: 80]...

...These verses are definite in meaning that Allah (swt) is the Provider, that He provides for whomever He wills, that He is the one who extends the Rizq to whomever He wills, and decrees for him. In all of them, the Rizq is attributed to Allah (swt), they explain that there is no Provider other than Him, which indicates that it is He who provides, it is a true attribution.

Therefore, attribution of Rizq to Allah is a real attribution, in addition to this, the attribution of Rizq to man is not stated as being the one who provides for himself, neither in a verse nor in a Hadith. Rather, the attribution of Rizq in all texts, is to Allah (swt). As for what was mentioned about the attribution of Rizq to a human being who gives to others, what is meant by it is: “pay them money” and not the action of providing Rizq. For example, Allah (swt) says:

[وَلاَ تُؤْتُواْ السُّفَهَاء أَمْوَالَكُمُ الَّتِي جَعَلَ اللهُ لَكُمْ قِيَاماً وَارْزُقُوهُمْ فِيهَا وَاكْسُوهُمْ]

“And do not give the weak-minded your property, which Allāh has made a means of sustenance for you, but provide for them with it and clothe” [An-Nisa: 5]. Allah (swt) says:

[وَإِذَا حَضَرَ الْقِسْمَةَ أُوْلُواْ الْقُرْبَى وَالْيَتَامَى وَالْمَسَاكِينُ فَارْزُقُوهُم مِّنْهُ] “And when [other] relatives and orphans and the needy are present at the [time of] division, then provide for them [something] out of it [i.e., the estate]” [An-Nisa: 8].

What is meant by the first verse is to pay them food, and by the second verse, pay to them from this provision that has befallen you. It is a command to pay them from the provision, and not that the attribution of provision is to them. The attribution of provision is not mentioned in the sense of the doer of the action of provision except for Allah (swt), so you find verses that says:

[نَّحْنُ نَرْزُقُكُمْ] “We will provide for you” [Al-An’am: 151] In verses He says:

[وَرِزْقُ رَبِّكَ] “And the provision of your Lord” [Taha: 131] In other verses, He says: [كُلُواْ وَاشْرَبُواْ مِن رِّزْقِ اللهِ] “Eat and drink of that which Allah has provided” [Al-Baqarah: 60]

In all of them, He attributes the act of Rizq to Allah and attributes it to Him. This gives the meaning that does not accept interpretation, which is that Allah alone is the Provider (Al-Razzaq), and that provision is in the hands of Allah.

Based on this, it is necessary to believe that Allah is the one who provides for creation, because the evidence is definite text and definite meaning, so belief in it is obligatory and disbelief in it is kufr. Whoever does not believe that Allah is the Provider (Al-Razzaq) has disbelieved, and we seek refuge in Allah from that.

This is the issue of Rizq in terms of belief, and in terms of evidence. However, in addition to commanding people to believe that He is the Provider, Allah (swt) commanded man to strive to obtain this Rizq. Allah (swt) says:

[هُوَ الَّذِي جَعَلَ لَكُمُ الْأَرْضَ ذَلُولاً فَامْشُوا فِي مَنَاكِبِهَا وَكُلُوا مِن رِّزْقِهِ]

“It is He who made the earth tame1 for you - so walk among its slopes and eat of His provision” [Al-Mulk: 15] Allah (swt) says:

[فَإِذَا قُضِيَتِ الصَّلَاةُ فَانتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِن فَضْلِ اللهِ] “And when the prayer has been concluded, disperse within the land and seek from the bounty of Allāh,” [Al-Jumu’ah: 10].

In these two verses, he is commanded to strive to seek Rizq. If this command to strive to seek Rizq is coupled with the verses that state that Allah is the Provider, the meaning of Allah being the Provider becomes clear. Thus, it explains the meaning of belief that Allah is the Provider. The first verses all confirm that Allah is the Provider, that is, He is the one who gives Rizq, not man, and these two verses command to work to obtain Allah’s provision.

In fact, striving is not a reason for Rizq, because the cause inevitably produces the caused, and the caused only results from its cause. The knife is the cause of cutting, as it is what cuts. Fire is the cause of burning, as it is what burns, so cutting does not occur without a knife, that is, without a sharp instrument, and no burning occurs without fire, that is, without a substance that burns. This is the reason, and if striving to seek Rizq was like that, it would be the cause of Rizq, and the reality would be

that striving is what brings rizq, just as the knife is what cuts, and fire is what burns, but striving to seek Rizq is not like that, that is, it is not like a knife in terms of cutting, nor like fire with regard to burning, because striving to seek Rizq may occur and Rizq does not occur. Rizq may occur without striving to seek it, that is, the cause may occur and the caused does not occur, and the caused may occur without its cause, or even perhaps without any cause. This indicates definitive evidence of striving not being a reason for Rizq.

Examples of this in real life are many and extensive. The trader who seeks profit and the result of his trade is loss or no profit has strived but did not get Rizq. That is, the cause is found but did not produce the caused. Since it did not produce it, it is not a cause, because the cause produces the caused definitely.

Also, the inheritor of the money has received Rizq without striving for it. If striving was the cause of Rizq, the money would not have been obtained without striving, because the caused does not result except from the cause that causes it. The acquisition of money by inheritance without striving is evidence that striving is not a cause of Rizq, since Rizq came without striving.

All of this proves conclusively that striving to seek Rizq is not a cause of Rizq, that is, it is not the one that brought the Rizq. It is not like the knife that did the cutting, and it is not like the fire that did the burning. It is not the one that brought the Rizq because it is not its cause...].

Thus, the Provider (Al-Razzaq) is Allah (swt), this is part of belief. However, striving is a Shariah ruling. If you strive, you will obtain the Rizq that Allah has decreed for you, and you will obtain the reward for striving to seek Rizq. If you do not strive, then you will obtain the Rizq that Allah has decreed for you, but you will be violating the Shariah ruling because you did not strive as Allah (swt) commanded you.

That is sufficient, Allah willing. As I mentioned to you earlier, the entire topic is mentioned in Al-Kurrassah, so if you are confused about anything, you can refer to it as it is sufficient. Allah be with you.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

27 Safar Al-Khair 1445 AH

12/9/2023 CE

Answer to Question

Renting Gold Jewelry

To: Sheikh Hussam Abu Mahmoud

(Translated)

Question:

Assalam Alaikum Wa Rahmatullah Wa Barakatuh. Jazak Allah Khair and may Allah (swt) open ways for you.

If you would be so kind, I would like to ask a question: What is the ruling on renting gold, since there are those who rent gold for a day or more, and this custom has become common in some countries. Jazak Allah khair.

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh

Hiring (ijara) is a contract for a benefit in return for compensation. Ijara includes the contract that comes upon the benefit of things like hiring houses, animals, vehicles and the like. We have explained this in the book “The Islamic Personality” volume II, in the chapter “Hiring”, it states;

(Hiring is a contract for a benefit in return for compensation, and it is of three types:

The first type: the contract that comes upon the benefit of things like hiring houses, animals, vehicles and the like.

The second type: the contract that comes upon the benefit of work like the owners of industries and factories for specific work, that which is contracted upon the benefit resulting from the work such as hiring painters, ironmongers, carpenters and the like.

The third type: the contract that comes upon the benefit of the person like hiring servants and workmen and the like.

Hiring in all its types is permitted by the Shar'a. Allah (swt) said:

[وَرَفَعْنَا بَعْضَهُمْ فَوْقَ بَعْضٍ دَرَجَاتٍ لِّيَتَّخِذَ بَعْضُهُم بَعْضاً سُخْرِيّاً وَرَحْمَتُ رَبِّكَ خَيْرٌ مِّمَّا يَجْمَعُونَ]

"And we raised some of them above others in rank so that some may employ others in their work" [TMQ 43:32]. And Al-Baihaqi narrated via the way of Abu Hurairah (ra) that the Prophet (saw):

«من استأجر أجيراً فليعلمه أجره»

"Whoever hires an employee, he should let him know his wage." And Al-Bukhari narrated:

«أن النبي ﷺوالصِدِّيق استأجرا رجلاً من بني الدِّيل هادياً خرّيتاً»

"That the Prophet (saw) and As-Siddeeq hired a man from Banu Ad-Deel as a guide through the country.") End of Quote.

As you can see, everything whose benefit is permissible may be rented for a known fee and a known period. So, it is permissible to rent a car for a specific amount for a specific period and with a specific use. But for renting gold and silver for a specific amount for a specific period for a woman to adorn with it, I am not content with because gold and silver are the basis of money in Islam, so how can cash be rented for cash?! That is, how is cash rented by its type? In any case, this issue requires deeper study, and perhaps it will happen in the future, Allah willing.

However, I will mention some fiqhi opinions for you so that you can follow the opinion that you feel comfortable with:

1- Al-Mughni by Ibn Qudamah (5/403)

Chapter (4305): While it is permissible to rent it out, it is permissible to rent out any property that can be used for a permissible benefit, while it remains as in the original rule such as land and a house.... It is permissible to rent out jewelry. Ahmad stated it, in the narration of his son Abdullah. This is what Al-Thawri, Al-Shafi'i, Ishaq, Abu Thawr, and the people of opinion also said. It was narrated on the authority of Ahmad that he said regarding renting out jewelry: I don't know what it is? Alqadi said: This is subject to it being rented out for a rent of its type, but as for something other than its type, there is no problem with it, based on the statement of Ahmad that it is permissible.

Malik said, regarding renting jewelry and clothes: It is one of the doubtful matters. Perhaps he believes that what is meant by that is adornment, and that is not one of the original objectives].

2- Imam Al-Nawawi said [As-Saymari, then Al-Mawardi and their followers mentioned here that it is better if he rents out gold or silver jewelry, not to rent it for its kind, but rather to rent gold for silver and silver for gold. If he rents gold for gold or silver for silver, there are two opinions: (One of them) is that it is invalid, out of caution against usury, and the correct view is that it is permissible like all other rentals. Al-Mawardi said: The first statement is false; because the rental contract does not involve usury, and for this reason it is permissible to rent out gold jewelry for deferred dirhams according, by the consensus of the Muslims, and if usury was involved here, this would not be permissible.] Al-Majmu' 6/46.

3- Kuwaiti Encyclopedia of Jurisprudence (12/283, with Ash-Shamla automatic numbering)

[Renting for adornment:

25- The basic principle is the permissibility of the lease of items that can be benefited from, but it should be a permissible benefit and the rented item should be returned to its owner as it was, and for this Al-Shafi'is and Hanbalis stated that clothes and jewelry are permissible for adornment. Benefitting from them is permissible if intended to be returned to its owner as it was, and the adornment is one of the legitimate purposes. Allah (swt) said:

[قُلْ مَنْ حَرَّمَ زِينَةَ اللهِ الَّتي أَخْرَجَ لِعِبَادِهِ]

"Say, "Who has forbidden the adornment of [i.e., from] Allah which He has produced for His servants" [Al-A'raf: 32].

The permissibility of renting gold and silver jewelry for a different type is subject to agreement between them.

Ahmad hesitated as to whether the rent was of the same type, and it was reported from him that it was absolutely permissible

As for the Hanafis, they declared the invalidity of renting things such as clothes and utensils for adornment; they said: If he rents clothes or utensils to beautify himself with them, or an animal as an earning, or a house not to live in... then the rental is invalid in all and there is no reward for him, because it is an unintended benefit from the property. It is permissible to rent clothing for wearing them, weapons for jihad, tents for housing, and the like for a specific period in exchange for a known sum, and jewelry is considered as clothing for them.

The Malikis disliked renting out jewelry, because it was not people's concern, and they said: It is better to lend it because it is what was known.

- The Kuwaiti Encyclopedia of Fiqh (294/22, with Ash-Shamla automatic numbering)

Rent what is needed of gold:

30- The Hanbalis stated that it is permissible to rent gold dinars for a specified period of time for adornment and weight, as well as everything that is needed, such as extra pieces of gold, because it is a permissible benefit that is fulfilled while the asset remains, and everything that is similar is permissible to rent without disagreement.

The Shafi'is prohibited renting dinars for adornment, and stipulated that it is permissible to rent jewelry] End.

4- It was stated in (Jawahir Al-Uqood) by its author Shams al-Din Muhammad Al-Asyuti, and then Al-Qahiri Al-Shafi'i who died in 880 AH, Chapter (216/1)

(They disagreed about renting out jewelry - gold for gold, or silver for silver- is it disliked? Abu Hanifa, Al-Shafi'i and Malik said: It is not disliked.

Ahmad said it is disliked).

5- Al-Fiqh Ala Al-Mathahib Al-Arba’a (60/3)

(As for the third category: which is disliked, it includes matters such as: renting jewelry, as it is disliked, whether it is gold or silver.

From that you learn that what is disliked to rent is jewelry that is permissible to use, but renting it is prohibited for prohibited items. If a man rents jewelry, renting it is not valid, and some of them see it as disliked to rent it, whether its use is permissible or prohibited). End quote.

For your information, Al-Nasa’i narrated in his Sunan on the authority of Abu Musa that the Messenger of Allah (saw) said:

«أُحِلَّ الذَّهَبُ وَالْحَرِيرُ لِإِنَاثِ أُمَّتِي وَحُرِّمَ عَلَى ذُكُورِهَا»

“Gold and silk have been permitted for the females of my Ummah, and forbidden to the males.”

So, follow the one whose opinion you are comfortable with, and Allah is with you.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

13 Safar Al-Khair 1445 AH

29/08/2023 CE

Answer to Question

Ambassadors in Islam

To: Abdullah Ibn Al-Mufakkir

(Translated)

Question:

Assalamu Alaikum Wa Rahmatullahi Wa Barakatuhu our dear Shaikh

I ask Allah to strengthen you, give you long lasting health and age and allow you to witness the return of the Khilafah and lead us, Ameen.

I have a question regarding the Hizb's draft constitution. In article 7 clause F it states: "The State will implement the rest of the Shari'ah rules and all the Islamic Shari'ah matters, such as transactions, penal codes, testimonies, ruling systems and economics among others equally upon the Muslims and non-Muslims. The State will also implement the same upon those with a covenant, the asylum seekers and all those under the authority of Islam in the same way. It implements them upon all members of society except for the ambassadors, consuls, and similar for they have diplomatic immunity."

My question is regarding the point about Ambassadors. The reality is that sometimes there are temporary ambassadors who only stay for an amount of time then return to their countries and permanent ambassadors who stay in the Khilafah permanently. Does this article apply to both types of ambassadors?

Also, if either of the ambassadors commits a crime or undertakes an illegal activity beyond their remit as an ambassador, are they both judged and punished accordingly by the Khilafah? Or are temporary and permanent ambassadors treated differently in this matter.

Jazakumullahu Khairan.

From: Saifudeen Abdullah

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh

Barak Allah Feek for your kind du’a for me, I also ask Allah to grant you the good.

1- With regard to your question about permanent and temporary ambassadors. There is no difference from a Shariah point of view between them, so as long as the meaning of the word (messenger) applies to the person, he enjoys diplomatic immunity during his stay in the Khilafah (Caliphate) state, with no difference... Previously, during the time of the Prophet (saw), the Companions and the subsequent eras, there were no permanent and residing ambassadors. Rather, messengers were sent to convey a message and then return to their country, i.e., they were, according to your expression (temporary ambassadors / temporary messengers) ... Then permanent ambassadors and embassies in the world were introduced due to the complexity of relations and the need for permanent communication between countries and the presence of citizens of the embassy of the state in those countries. So, states began to accept the opening of permanent embassies of other countries in their lands and accept the accreditation of ambassadors of those countries residing in them... In the past, an ambassador or a messenger used to go only once to deliver a specific message... This is what is understood from the noble Hadith regarding messengers, as Ahmad narrated on the authority of Ibn Masoud who said:

جَاءَ ابْنُ النَّوَّاحَةِ وَابْنُ أُثَالٍ، رَسُولاَ مُسَيْلِمَةَ إِلَى النَّبِيِّ ﷺ، فَقَالَ لَهُمَا: أَتَشْهَدَانِ أَنِّي رَسُولُ اللَّهِ؟ قَالاَ: نَشْهَدُ أَنَّ مُسَيْلِمَةَ رَسُولُ اللَّهِ، فَقَالَ «النَّبِيُّ ﷺ: آمَنْتُ بِاللَّهِ وَرُسُلِهِ، لَوْ كُنْتُ قَاتِلاً رَسُولاً لَقَتَلْتُكُمَا، قَالَ عَبْدُ اللَّهِ: فَمَضَتِ السُّنَّةُ أَنَّ الرُّسُلَ لاَ تُقْتَلُ»

Ibn Nawwaha and Ibn Uthal came to the Messenger of Allah as Musaylima envoys - the liar - and the Messenger of Allah said to them “Do you bear witness that I am the Messenger of Allah?” They said, “We bear witness that Musaylima is the Messenger of Allah.” Upon this the Messenger of Allah said: I believe in Allan and His Messengers. “I give you security by Allah and His Messenger. If I were to kill an envoy I would have killed the two of you.” Abdullah said: the precedent of the sunna is that envoys are not killed.” (reported by Ahmad and declared Hasan by Al-Haythami).

It is clear from this hadith that the speech is about two messengers who were sent once from Musaylamah, the liar.

2- As for your inquiry about the punishment of ambassadors and messengers, its answer is found in the explanation of item “and” of Article 7 in the book, Introduction to the Draft Constitution, and this is its text:

As for Clause F, the evidence with respect to the implementation of all the rules of Islam is derived from all what has just been mentioned that the disbeliever is obligated to abide by the foundations and the branches, thus, he is commanded to submit to all the rules of Islam. This is general, and it includes the Dhimmi and the non-Dhimmi from among those who live under the authority of Islam. Hence, all the disbelievers who enter Dar Al-Islam must be subjected to the rules of Islam except the 'Aqeedah

matters, the rules related to 'Aqeedah matters and any action which the Messenger of Allah allowed them to do whether these disbelievers were Dhimmi, under covenant or asylum seekers. However, the ambassadors and their likes are excluded from this and the rules of Islam would not be implemented upon them for they would be given what is known as diplomatic immunity. This is so because Ahmed reported on the authority of Ibn Masoud who said:

جَاءَ ابْنُ النَّوَّاحَةِ وَابْنُ أُثَالٍ، رَسُولاَ مُسَيْلِمَةَ إِلَى النَّبِيِّ ﷺ، فَقَالَ لَهُمَا: أَتَشْهَدَانِ أَنِّي رَسُولُ اللَّهِ؟ قَالاَ: نَشْهَدُ أَنَّ مُسَيْلِمَةَ رَسُولُ اللَّهِ، فَقَالَ «النَّبِيُّ ﷺ: آمَنْتُ بِاللَّهِ وَرُسُلِهِ، لَوْ كُنْتُ قَاتِلاً رَسُولاً لَقَتَلْتُكُمَا، قَالَ عَبْدُ اللَّهِ: قَالَ: فَمَضَتِ السُّنَّةُ أَنَّ الرُّسُلَ لاَ تُقْتَلُ»

“Ibn Nawwaha and Ibn Uthal came to the Messenger of Allah as Musaylima envoys - the liar - and the Messenger of Allah said to them “Do you bear witness that I am the Messenger of Allah?” They said “We bear witness that Musaylima is the Messenger of Allah.” Upon this the Messenger of Allah said: I believe in Allan and His Messengers. “I give you security by Allah and His Messenger. If I were to kill an envoy I would have killed the two of you” Abdullah said: the precedent of the sunna is that envoys are not killed.” (reported by Ahmad and declared Hasan by AlHaythami). So, this narration indicates that it is not permitted to kill the envoys of the disbelievers and nor to apply the punishments (Uqubat) upon them. However, this is exclusively applicable upon those who have the capacity of an envoy such as the ambassador and the “Chargé d'affaires” and the like. As for those upon whom the capacity of an envoy does not apply such as the Consul and the Commercial Attaché and the like, they would not have any immunity for they do not have the capacity of an envoy. This matter should be referred to the international convention because it is a terminological expression whose reality should be understood by way of looking into the convention and it is part of establishing the Manat (reality); in other words, establishing whether they are considered envoys or not] End Quote from the explanation from the book, The Draft Constitution.

The prohibition of imposing the death penalty and other penalties applies to the permanent ambassador, to the temporary ambassador and messenger as long as the reality of the “messenger” applies to them. There is no difference in the issue of not applying punishment to the permanent ambassador and to the temporary ambassador, as both are messengers to which the rules of the messenger apply to them in the matter of punishment.

As for the last part of your question: (Also, if either of the ambassadors commits a crime or undertakes an illegal activity beyond their remit as an ambassador, are they both judged and punished accordingly by the Khilafah? Or are temporary and permanent ambassadors treated differently in this matter.)

We did not detail the reality of the penalties that are included under the immunity and those that are not included, but we will detail this in the executive regulations of the articles of the constitution that we started with, and we ask Allah for help in completing them at the appropriate time, Allah willing.

I hope that this is sufficient, and Allah is All-Knowing and Most Wise.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

6 Safar Al-Khair 1445 AH

22/8/2023 CE

Answer to Question

It is Forbidden for the Merchant to Sell a Commodity that He Does Not Own

To: Walid Elmi and Wafaa Muhtasib

(Translated)

Question: Walid Elmi

Our sheikh, is the bank selling what it does not own forbidden to the bank or to the buyer?

Question: Wafaa Muhtasib

If the merchant, does not have the goods but requests them from another merchant and sells them to the buyer, considered from “selling what he does not own”?

Answer:

Both of your questions are of the same topic and here is the answer to you both:

The trader selling a commodity that he does not own is forbidden, i.e. a void contract that the seller and the purchaser bear its sin. If he knows that the commodity that is being contracted for is not in the possession of the merchant; rather, the merchant will go and buy it from the market and bring it to the buyer... We have clarified this in The Islamic Personality Volume II in Chapter: "It is not allowed to sell what you do not have":

"It is not allowed to sell a good before completing its ownership so selling it in this situation is a void sale. This is verified in two situations. Firstly, that one sells the good before he owns it. Secondly, he sells it after buying it but before he completes owning it via taking possession in that whose completion of ownership is conditioned upon taking possession. This is because the sale contract only occurs upon owned property so that which is not owned yet or is purchased but its ownership is not yet completed since its possession has not yet been taken, then there cannot occur over it the sale contract because there does not exist a place for the contract to occur over it in the Shar'a. The Messenger of Allah (saw) prohibited the sale of what the seller does not own. It is narrated from Hakeem bin Hazam (ra) who said:

«قلت: يا رسول الله يأتيني الرجل يسألني عن البيع ليس عندي ما أبيعه، ثم أبيعه من السوق»، فقال: «لا تبع ما ليس عندك»

"I said: O Messenger of Allah, there comes to me a man asking me to sell what I do not have to sell then I buy if from the market. He said: Do not sell what you do not have"(Narrated by Ahmad). And from Amru bin Shuaib from his father from his grandfather who said: The Messenger of Allah (saw) said

«لا يحل سلف وبيع، ولا شرطان في بيع، ولا ربح ما لم تضمن، ولا بيع ما ليس عندك»

"It is not allowed to borrow and sell, nor two conditions in one sale, nor a profit that is not included nor the sale of what you do not have"(Narrated by Abu Dawud). The expression of the Messenger (saw) of "what you do not have" is general including your ability to deliver what you don't completely own. This is strengthened by the ahadith which came with a prohibition of selling that which is not possessed in that whose completion of ownership is conditioned upon taking possession. This indicates that whoever buys that which requires taking possession until his purchase is completed is not permitted to sell until he takes its possession. So its rule became the rule of selling that which he does not own due to the Prophet (saw)'s statement:

«من ابتاع طعاماً فلا يبعه حتى يستوفيه»

"Whoever sells foodstuff, he should not sell it until he pays its due" (Narrated by Al-Bukhari). And due to what Abu Dawud

«أن النبي ﷺ نهى عن أن تباع السلع حيث تبتاع حتى يحوزها التجار إلى رحالهم»

“That the Prophet (saw) prohibited goods to be sold where they are bought until the trader collects them to their mounts” And due to what ibn Majah narrated: «أن النبي ﷺ نهى عن شراء الصدقات حتى تقبض» ، “The Prophet (saw) prohibited the purchase of charity (sadaqat) until it is taken possession.” And due to what was narrated by Al-Bayhaqi from Ibn Abbas that he said: The Prophet (saw) sent Uttab bin Usayd to Makkah, he said:

«إني قد بعثتك إلى أهل الله، وأهل مكة، فانههم عن بيع ما لم يقبضوا»

‘I have been sent to the people of Allah and the people of Makkah, Prohibit them from selling that which they have not taken possession of.’” These ahadith are explicit in prohibiting that which they have not taken possession of since the seller has not completed his ownership over it. This is because that which requires taking possession of, then its ownership is not completed until the buyer possesses it and also because it is in the guarantee of its seller.

Hence it is clarified that it is a condition of the validity of sale that the seller owns the good and has completed his possession therein. If however he does not own it or he owns it but has not completed his own ownership therein then it is absolutely not allowed to sell it. This includes what he owns but has not taken possession in what taking possession is a condition to complete the sale which is what is measured, weighed and counted. As for those for which taking possession is not a condition of completing ownership which is other than that which is measured, weighed or counted such as the animal, house and land and what is similar then it is permitted for the seller to sell it before taking possession. This is because the mere occurrence of the sale contract by offer and acceptance completes the sale whether he takes possession of it or not, so he would have sold that which his ownership over it is accomplished. The issue of the sale being void is not related to taking possession or not; rather it is related to the ownership of the sale and the completion of ownership therein. As for permitting the sale of something that has not been possessed in other than what is weighed or counted, this is established by the sahih hadith. And Al-Bukhari narrated from ibn Umar (ra) that he was riding troublesome camel which belonged to Umar

«فقال له النبي ﷺ بعنيه، فقال عمر: هو لك فاشتراه ثم قال: هو لك يا عبد الله بن عمر، فاصنع به ما شئت»

“So the Prophet (saw) said to him to sell it to him. So he bought it then said: It is for you, O Abdullah ibn Umar, so do with it as you wish.” This is disposal in the sale by gift before taking possession of it which

indicates the completion of ownership in the sold good before taking possession of it. It indicates the permissibility of selling it because the seller's ownership therein has been completed. Accordingly whatever the seller owns and his ownership is completed over it then it is permitted for him to sell it. And whatever (good) whose ownership is not completed is not permitted to be sold.

Hence what is done by small traders of bargaining with the buyers of the good then agreeing with him over the price and selling it to him, then going to another trader to buy it for the one whom he sold it to and then presenting it and delivering it to the buyer is not permitted because it is selling that which is not owned. When the trader is asked about the good, it is not before him nor does he own it but he knows it exists in the market with others. So he lies and tells the buyer that it is present and sells it to him, then he goes to buy it after selling it. This is haram and not permitted as it is selling that which is not owned.

Similarly what is done by the owners of shops in the vegetable and grain market when they sell vegetables and wheat before their ownership therein is completed. Some traders buy vegetables or wheat from farmers and sell it before they have taken possession of it. This is not permitted as it is from the foodstuff wherein ownership is not. It is not allowed to sell what you do not have completed except by taking possession of it.

Similar is what importers from other countries do. Some of them sell the goods and make the delivery in the country a condition therein, then sell them before they arrive i.e. before their ownership over them is completed. This sale is forbidden as it is selling before the ownership over it is completed" [End Quote]

I hope that this is sufficient and Allah is Most Knowledgeable Most Wise.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

6 Dhul Qi'dah 1444 AH

26/5/2023 CE

Answer to Question

The Mujadid of the Era the Great Scholar Taqiudeen An-Nabahani

To: Mohammad Mohammad

(Translated)

Question:

Assalam Alaikum Wa Rahmatullah Wa Barakatuh

I ask Allah to bring the victory by your hands soon, for He is the Guardian and the All Able. My question is about the concept of renewal mentioned in the Hadith of the Messenger (saw) إن الله يبعث على رأس كل سنة من يجدد لهذه الأمة دينها "At the beginning of every century Allah will send one who will renew for the Ummah its Deen" or as the Prophet (saw) said. If the Mujadid of the era was the great scholar Taqiudeen An-Nabahani (rh), did the renewal end with his death, may Allah have mercy on him, or does it still exist with the presence of the party that carries his idea? Barak Allah Feek and Jazak Allah Khair.

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh,

First: The Hadith you are asking about is the Hadith narrated by Abu Dawud in his Sunan and others on the authority of Abu Hurayrah on the authority of the Messenger of Allah (saw) who said: « إِنَّ اللَّهَ يَبْعَثُ لِهَذِهِ الْأُمَّةِ عَلَى رَأْسِ كُلِّ مِائَةِ سَنَةٍ مَنْ يُجَدِّدُ لَهَا دِينَهَا» "At the beginning of every century Allah will send one who will renew for the Ummah its Deen" This Hadith should be understood within the framework of Shariah concepts established in the Book and the Sunnah, and here is some of that:

1- With the revelation of Allah's (swt) saying:

[الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتْمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيتُ لَكُمُ الْإِسْلَامَ]

"This day have I perfected your religion for you, completed My favor upon you, and have approved for you Islam." [Al-Ma'ida: 3]. The Deen was completed, the blessing was completed, and the matter settled, then the revelation was interrupted shortly after that with the death of the Prophet (saw) and for this reason, the Deen itself, as a revelation from Allah (swt), was completed with the completion of revelation. There is no room for an increase or a decrease in it, and it is still standing since the Messenger (saw) completed the propagation, until Allah inherits the earth and those on it. This is

something that is settled in the minds and souls of Muslims, and it is one of the Islamic truths that there is no doubt about.

2- Therefore, what is meant by the honourable Hadith «مَنْ يُجَدِّدُ لَهَا دِينَهَا»"whoever renews its Deen" cannot be the renewal of the Deen itself by adding something to it or subtracting something from it, or specifying its generality or restricting its absolutes... etc. because with the interruption of revelation, the door to adding to the Deen, copying it, specifying it, or restricting it, etc., was closed, as there is no room in Shariah for that to happen except through revelation, because the Deen is in its reality revelation, i.e. what was revealed to the Prophet (saw). As long as it is not possible for the renewal to be in the Deen itself, the renewal should be spent on other matters than that.

3- Islam is an ideology (i.e. a belief) from which a system emanates. Islam is a set of thoughts and rulings; all of which are taken from the Book and the Sunnah and what they guided to from the consensus of the Companions and Qiyas. The consensus of the Companions and Qiyas refer back to the Book and Sunnah. It is not expected that the renewal in Shariah is in the thoughts and rulings of Islam themselves; the renewal must be in a matter related to it, i.e. related to the thoughts and rulings of Islam. By scrutinizing the matter, it appears that there are two basic aspects related to the ideas and rulings of Islam, and they are the understanding side and the application side; that is, the human side related to Islam. Muslims are the ones who understand Islam and implement it. Their understanding of Islam and its application may be obscured, ambiguous, defective, abused, or negligent. Their understanding, or the understanding of Islam of some of them, may be disturbed, adding to Islam what is not from it while they think it is from it, or detracting from Islam something, so they do not pay attention to it even though it is part of the Deen.

4- Thus, things that are inconsistent with Islam may occur to Muslims' understanding of Islam and their implementation of it, such as:

a- Making something as part of Islam when it is not from it, or detracting something from Islam even though it is from it, and innovation falls under that.

b- Obscurity or ambiguity in understanding Islam as an ideology and a system of life, or in understanding some of its thoughts or some of its rulings.

c- Misapplication of Islam individually or collectively or by the ruler. Or mixing Islam with others in the implementation.

5- In order for the return of the understanding or of implementation of the Deen to what it should be according to revelation, i.e. for the understanding of the Deen by Muslims or their application of it to return in accordance with the thoughts and rulings of Islam without distortion, defect, addition, deficiency, abuse... etc., Allah (swt) sends Muslims, at the head of every hundred years, one who renews the Deen, i.e. restore the Deen to its former form of purity, and clarity, or the correct application that is not tainted by abuse or confusion i.e. restores the understanding or application of the Deen to its original state at the time when the Prophet was sent, with its purity and clarity. He removes from it what may have been attached to it from what is not of it, and highlights what may have been hidden from its thoughts and rulings, and clarifies what may have afflicted it in understanding, and works to implement it completely if he is one of the people of ruling. The choice of the word "Yujadid (renewal)" to describe what happens has an expressive meaning because it does not mean bringing something new, but rather it means making something new, i.e., to restore it to its original state. The linguistic dictionaries have shown the meaning of "jaded" (make something new) in this way: Al-Muheet dictionary: (Jada, Yajidu, then it is new, Ajidahu, Jaddadahu, Istajadahu: to make it new, and is renewed (tajadad)). As-Sihah in the language: (Tajaddad Ash-Shai: meaning it has become new. Ajadahu, istajadahu, Jaddahu to make it new). Lisan al-Arab: (Ajadahu, Jaddahu, istajadahu to make it new).

This word "Yujadid" (renewed) in the noble Hadith accurately gives the correct meaning, which is to restore Islam to what it was upon in the beginning of its affairs, and does not mean changing and replacing the Deen.

6- The scholars spoke about the meaning of the renewal mentioned in the noble Hadith, and I quote some of what they mentioned:

It came in "Aoun Al-Ma'bood":

[Man Yujadid" (who renews): the object of "Yab'ath" (sends) "laha" (to it): that is, to this nation (its religion): that is, clears the Sunnah from innovation, increases knowledge, and supports its people and he breaks the people of innovation and humiliates them. They said: He is only knowledgeable of the apparent and inward sciences of the Deen. Al-Manawi said it in "Fath Al-Qadeer, Sharh Al-Jami Al-Saghir". Al-Alqami said in his explanation that the meaning of renewal is the revival of what has been lost in following of the Book and the Sunnah and the command according to them.

You have known from what has preceded that what is meant by renewal is reviving what has been forgotten in terms of acting according to the Book and the Sunnah, and the command according to them, and to end what appeared of innovations. He said in "Majalis Al-Abrar": What is meant by the renewal of the Deen for the Ummah is the revival of what has been lost in terms of acting according to the Book and the Sunnah and being commanded according to them. He said about it: the Mujadid only knows this by the the least amont of doubt from the scholars of his time through readings of his

conditions and benefiting from his knowledge, since the Mujadid of the Deen must be knowledgeable in the apparent and hidden sciences of the Deen, restricted to the Sunnah, suppressing innovation, and that his knowledge should prevail among the people of his time, but the renewal is at the head of every hundred years, because Scholars are often rare at the time, and the Sunnahs vanished and innovations appeared, therefore there is a need to renew the Deen. So, Allah (swt) would send from the creation a replacement from the predecessors, either one or more. End.

Al-Qari said in "Al-Mirqat": That is, it clarifies the Sunnah from innovation, increases knowledge, honours its people, suppresses innovation, and breaks its adherents. End.

It appeared that the Mujadid is only one who is knowledgeable in the sciences of the Deen, and yet he is one whose intention and concern throughout the day and night is to revive the Sunnah and to spread it and support its owner and put an end to innovations and newly invented matters and erase them and break its people with the tongue or classifications of books and teaching or in any other way. Whoever is not like that will not be a Mujadid at all, even if he was a well-known scholar of science among the people, a reference for them…]

- It came in "Mishkat al-Masabih" with its explanation, "Mur'at Al-Mafateeh":

[(whoever renews) the object of "Yab'ath (sends)" (laha (to it)), that is, to this Ummah (its Deen). What is meant by renewing the Deen for the Ummah is reviving what has been lost from working with the Book and the Sunnah, and commanding according to them, and eradicating innovations, and breaking its people with the tongue, or classifying books, or teaching or other than that. The Mujadid does not know this except by least amount of doubt from the contemporary scholars of his time, with the evidence of his conditions and the benefit of his knowledge, because the Mujadid of the Deen must be knowledgeable of the apparent and hidden sciences of the Deen, supporting the Sunnah, suppressing the innovation, and that his knowledge prevails among the people of his time, but the renewal was based on the head of every hundred years because it often lacks scholars , and the Sunnahs become extinct, and the innovations appear, and at that time the renewal of the Deen, so Allah (swt) will bring from creation a replacement from the predecessors, either one or several, as in "Majalis Al-Abrar"…]

Second: With regard to the Mujadids in general, and the Mujadid of the fourteenth century AH, we answered a question on this matter on June 23, 2013 with the following:

[Question:

Baraakallahu Bika our Sheikh and May Allah hasten the victory at your hands and may Allah benefit us with your knowledge.

From amongst the well-known Saheeh Ahaadeeth that was related by the noble Sahaabah Abu Hurairah (ra) from the Messenger of Allah (saw) that he said: « إِنَّ اللهَ يَبْعَثُ لِهَذِهِ الْأُمَّةِ عَلَى رَأْسِ كُلِّ مِائَةِ سَنَةٍ مَنْ يُجَدِّدُ لَهَا دِينَهَا»"Verily Allah sends to this Ummah at the head of every one hundred years someone who will renew the Deen for her". Related by Abu Daawood (4291) and was verified as Saheeh by As-Sakhaawiy in 'Al-Maqqsid Al-Hasanah' (149) and Al-Albaaniy in 'As-Silsilah As-Saheehah' (599).

And the question is: Does the word 'Man' (who) mentioned in the Hadeeth establish that the Mujaddid is an individual or a group? And is it possible to list them from the previous passed centuries?

Answer:

Wa Alaikumus Salaam Wa Rahmatullahi Wa Barakaatuhu,

Yes, the Hadeeth is Saheeh and there are five issues that relate to it:

1) At which date does the hundred (years) begin? Is it from the birth of the Messenger of Allah صلى الله عليه وسلم or from the time of the Ba'thah (the mission) or from the time of the Hijrah or from the time of his death صلى الله عليه وسلم?

2) Is the start of every year mean at the beginning of every hundred, or during each hundred or at the end of every hundred?

3) Does the word 'man' (who) mean one of the people or does it mean a group that renews the Deen for Deen for the people?

4) Are there any reports containing a correct reference in regards to the number of Mujaddids in the past hundreds of years?

5) Is it possible to know in the fourteenth century that ended on the 30th of Dhul Hijjah 1399 AH who the one renewing the Deen of the people was?

I will attempt to the best of my ability to mention what I believe to be the strongest view (Raajih) in regards to these issues without delving and plunging into the points of Ikhtilaaf (difference).

So I say and with Allah is the Tawfeeq and He is Al-Haadi (who guides) Subhaanahu to the straight path:

1) On which date does the hundred years start?

Al-Munaawiy said in the introduction of 'Fath ul-Qadeer': [And they have differed in regards to the start of the year, is it considered to be from the Prophetic birth, the Ba'thah (start of the mission), the Hijrah or his death صلى الله عليه وسلم...? And the Raajih (strongest view) in my opinion is that it is to be considered from the time of the Hijrah. This is because it is the date in which the Muslims and Islam was given honour and might ('Izzah) with the establishment of its state. And it is for this reason that when 'Umar (ra) gathered the Sahaabah to agree upon the beginning of the date they depended upon the Hijrah. At-Tabari in his 'Taareekh' said: "Abdur Rahman Ibn Abdullah Bin Abdul Hakam told me: He said: Nu'aim Bin Hammaad told us: He said: Ad-Daraawardiy told us from Uthmaan Bin Ubaidullah Bin Abi Raafi' who said: I heard Sa'eed Bin Al-Musayyib say: Umar Bin Al-Khattaab gathered the people and asked them. He said: From what day should we record? So Ali said: From the day that the Messenger of Allah sallalahu alaihi wassallam made Hijrah and left the land of shirk. So this is what Umar (ra) did." And Abu Ja'far said: "The first year of Hijrah is considered from Muharram of that month i.e. before the arrival of the Messenger of Allah sallalahu alaihi wassallam to Al-Madeenah by two months and some days as the arrival of the Messenger of Allah صلى الله عليه وسلم was on the 12th of Rabee' ul-Awwal."

Based upon this that it is most probable to start the count of the hundred year mark from the date of the Hijrah (migration) in which the Sahabah (radhallahu alaihum) had adopted.

2) As for the start of the century then the probable (Raajih) view is towards the end; i.e. the Renewed (Mujaddid) would be at the end of the hundred years a pious unblemished famous Aalim (Scholar) and his death would be at the end of it and not half way or throughout its period. As for why I have took this view to be the most probable for the following reasons:

a) It has been confirmed by Saheeh narrations that 'Umar Ibn Abdul Aziz came at the start (Ra's) of the first hundred years and he died (rh) in the year 101 Hijri when he was forty years old whilst Ash-Shaafi'i was at the start (Ra's) of the second century and he died the year 204 Hijri at the age of fifty-four.

So if we take another interpretation for the start (Ra's) of every hundred years by explaining it as the beginning of the first 100 hundred years then Umar Ibn Abdul Azeez would not be the Renewed (Mujaddid) of the first century because he was born in the year 61 Hijri. And Ash-Shaafi'iy would not have been the Mujaddid of the second century because he was born the year 150 Hijri. This means that the start (Ra's) of the year that is quoted within the Hadeeth refers to the last part of the century and not its beginning. So he (the Mujaddid) could be born within it (i.e. middle years) and then became a well-known Mujaddid Scholar in its latter part and died at its end.

b) As for the evidence indicating that Umar Ibn Abdul Azeez was the Mujaddid of the first century and Ash-Shaafi'i was the Mujaddid of the second century, who became famous amongst the Ulemaa of this Ummah and its Imaams. Az-Zuhriy and Ahmad Bin Hanbal amongst others from the early and later Imaams agreed that from the Mujaddideen at the start (Ra's) of the first century was Umar Ibn Abdul Azeez (rh) and at the Ra's of the second century was Imam Ash-Shaafi'iy (rh). 'Umar Ibn Abdul Azeez passed away in the year 101 Hijri at the age of forty years and the duration of his Khilafah was two and a half years whilst Ash-Shaafi'i died in the year 204 Hijri at the age 54. And Al-Haafizh Ibn Hajar said in 'Tawaaliy At-Ta'sees': [Abu Bakr Al-Bazzaar said: I heard Abdul Maalik Bin Abdul Hameed Al-Maymooniy saying: I was with Ahmad Bin Hanbal whilst Ash-Shaafi'i was mentioned so I saw Ahmad raise his head and he related from the Prophet صلى الله عليه وسلم that Allah Ta'Aalaa selects someone at the start (Ra's) of each century somebody that would teach them their Deen. He said: And Umar Ibn Abdul Azeez was at the end of the first century and I hope that it was Ash-Shaafi'i who was at the end of the second].

And by way of Abu Sa'eed Al-Firbaabiy he said: Ahmad Bin Hanbal said: Verily Allah selects for the people at the Ra's of every century someone who will teach the people the Sunan and will negate the lies attributed to the Prophet so we examined it and found that Umar Ibn Abdul Azeez was at the Ra's of the first century whilst Ash-Shaafi'i was at the end (Ra's) of the second century.

Ibn 'Addiy said: I heard Muhammad Bin Ali Bin Al-Husein saying: I heard our companions saying: In the first century it was Umar Ibn Abdul Aziz and in the second it was Muhammad Bin Idrees Ash-Shaafi'i.

And Al-Haakim recorded in his 'Mustadrak' from Abu ul-Waleed who said: [I was in assembly with Abu-l-Abbaas Bin Shuraih when a Sheikh came to him and praised him. Then I heard him say: Abu At-Tahir Al-Khawlaani told us and secondly Abdullah Bin Wahb: Sa'eed Ibn Abi Ayyoob informed me from Shuraaheel Bin Yazeed from Abu 'Alqamah from Abu Hurairah (ra) that the Messenger of Allah صلى الله عليه وسلم said: «إِنَّ اللَّهَ يَبْعَثُ عَلَى رَأْسِ كُلِّ مِائَةِ سَنَةٍ مَنْ يُجَدِّدُ لَهَا دِينَهَا»"Verily Allah sends to this Ummah at the head of every one hundred years someone who will renew the Deen for it."

So have glad tidings O Judge verily Allah sent at the end of the first century Umar Ibn Abdul Azeez and at the end of the second century he sent Muhammad Ibn Idrees Ash-Shaafi'i…].

Al-Haafizh Ibn Hajar said this indicates that the Hadeeth was well-known (Mash'hoor) in that time period.

c) It could be said that the start (Ra's) of something linguistically means the first or beginning part so how then can we view as strongest that the start (Ra's) of every year means its end and not its beginning? The answer to this is that just as the Ra's means the start of something linguistically (in the Arabic language) it likewise means its end part. It was said in 'Taaj Al-Aroos' (Dictionary): The Ra's of the thing is its edge and it is said its end part. And it is said in 'Lisaan Al-Arab (Dictionary): The lizard came out of the hole with its Ra's (Muraa'san) which means that the head came out first or that perhaps tail first i.e. the first part of the end part. Therefore the Ra's of a matter or thing can according to the language mean the beginning just as it can mean the edge of it whether this means the beginning or the end. As such we need a Qareenah (clue/indication) that will outweigh the meaning that is intended in the Hadeeth 'Ra's of a hundred years'. Is it its beginning or its end? And this Qareenah is present in the previous narrations which considered Umar Ibn Abdul Azeez the Mujaddid of the first century and he died in the year 101 Hijri and considered Ash-Shaafi'i the Mujaddid of the second and he died in the year 204 Hijri. All of this outweighs the meaning in the Hadeeth to mean the last part of the century and not its beginning part.

So based upon the aforementioned, I outweigh to be most probable that the meaning of: 'The Ra's of one hundred years' as found in the Hadeeth, is the last part of each century.

3) As for the word 'Man' (who) meaning the individual or a group: Then the Hadeeth states: « يبعث لهذه الأمة... من يجدد لها دينها» "Allah sends to this Ummah…. someone who will renew (Man Yujaddidu) its Deen for it" and if the 'Man' (who) indicated the group then the verb would have been in the plural form (yujaddidoona). However the verb was mentioned in the singular form and this is despite the expression 'Man' (who) also carrying the meaning of the plural and even if the verb after it is in the single form. However I view as strongest that here it is indicating the individual because of the Qareenah 'yujaddidu' (i.e. singular form of verb). And I say stronger view because the expression used here is not definitely individual here and even when the verb after it is in the singular form. Due to this there have been some who have interpreted the expression 'Man' as indicating the group and they listed in narrations groups from the Ulamaa who came in every century. However this opinion is outweighed by the other one as has been mentioned earlier.

In conclusion the stronger view is that 'Man' (who) indicates and individual meaning that the Mujaddid mentioned in the Hadeeth is a man who is an individual pious and untarnished scholar.

4) As for listing the names of the Renewed (Mujaddideen) throughout the past centuries; reports have shown, the most well-known list is in the form of rhyming prose of As-Suyooti up until the ninth century and he asked Allah سبحانه وتعالى for himself to be the Mujaddid of the ninth century. I will now relay a section from his prose:

Thus at the first century was ‘Umar the just Khaleefah as agreed upon and settled.

And Ash-Shaafi’i was at the second due to his high knowledge.

And the fifth was Al-Ghazaali for what he possessed of argument.

And the seventh who elevated to elevation was Ibn Daqeeq Al-Eid as agreed upon.

And this is the ninth that has come and the one who guides does not break a promise and I have hoped that I am its Mujaddid because the favour of Allah does not exhaust.

And there are some other statements that continue on from.

5) And is it possible for us to know who the Renewed (Mujaddid) of the Deen of the people was for the 14th century ending on the 30th of Dhul Hijjah 1399?

It was brought to my attention what was famous or well-known from amongst the well-respected Ulemah when they indicated that the ‘Ra’s’ (head) of the year was its latter part. Umar Ibn Abdul Azeez was born in 61 Hijri and died at the Ra’s of the first century in the year 101 Hijri and Ash-Shaafi’iy was born in the year 150 Hijri and died at the Ra’s of the century in the year 204 Hijri.

This means that each one of them was born around the middle of the century and became well-known in its latter part. And as I have said I view as the strongest interpretation that has become well-known amongst the respected Ulemah in regards to Umar Ibn Abdul Azeez being the Mujaddid of the first century and Ash-Shaafi’i being the Mujaddid of the second century. So based upon this, I view as strongest that the great scholar Taqiudeen An-Nabahani (rh) was the Mujaddid of the fourteenth century. He was born in the year 1332 Hijri and he became well-known in the latter part of the fourteenth century and specifically when he founded Hizb ut Tahrir in Jumada al-Thani in the year of 1372 Hijri and he passed away in the year 1398 Hijri. His Dawah to the Muslims was related to the vital

issue, the resumption of the Islamic way of life through the establishment of the rightly guided Khilafah State and it had a major effect upon their lives and endeavours and Ijtihad until the Khilafah has become a general demand of the Muslims today. So Allah's mercy be upon Abu Ibrahim and Allah's mercy be upon his brother Abu Yousuf who came after him and May Allah gather them with the Prophets, truthful, Shuhadaa and Saaliheen (righteous) and what great company they are.

This is what I view as the most probable my brother Abu Mu'min and Allah is more aware of what is correct and to Him belongs the best of destinations]. End of the previous question.

Third: As for your question: (If the Mujadid of the era was the great scholar Taqiudeen An-Nabahani (rh) did the renewal end with his death, may Allah have mercy on him, or is it still existing with the presence of the party that carries his idea?), The answer to that is that the process of renewal according to what we explained above is carried out by (One man, a pure, pious scholar...), and with his death, the issue of renewal ends, but that does not mean the end of the effect of renewal. Rather, the renewal will have an impact on the Muslims and on the coming generations after the completion of the renewal until a defect occurs in the understanding or application with the passage of time, then Allah (swt) will send at the end of the century that follows, someone who will renew the Ummah's Deen. According to the Hadith, Allah will send at the head of every hundred years someone who will renew the Ummah's Deen, that is, at the head of the fifteenth hundred, as explained above, Allah willing. Allah knows who it will be.

This is what I view as the most probable on the issue and Allah is Most Knowledgable Most Wise.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

26 Shawwal 1444 AH

16/5/2023 CE

Answer to Question

The Angels Harut and Marut in Surat Al-Baqara

To: Ustadhi Kamsokole

(Translated)

Question:

Assalam Alaikum Wa Rahmatullah Wa Barakatuh

First, I would like to make duaa to you and congratulate you for the hard work you are doing in developing this Dawah work.

My question is regarding Surat Al-Baqara verse 102 (02: 102) the verse is long and I will not repeat writing it. I will ask about what is contained in this verse:

a) Are Harut and Marut angels? Or are they from mankind with angelic qualities? There are sheikhs who say that they are people who have great knowledge, according to the meaning of the Arabic language. And if they are angels, how did they communicate with the humans at that time?

b) The Qur'an says,

[وَلَكِنَّ الشَّيَاطِينَ كَفَرُوا يُعَلِّمُونَ النَّاسَ السِّحْرَ وَمَا أُنْزِلَ عَلَى الْمَلَكَيْنِ بِبَابِلَ هَارُوتَ وَمَارُوتَ] "... but the devils disbelieved, teaching people magic and that which was revealed to the two angels at Babylon, Hārūt and Mārūt" [Al-Baqara: 102]

c) What did Harut and Marut bring or what was brought down to them?

[وَمَا يُعَلِّمَانِ مِنْ أَحَدٍ حَتَّى يَقُولَا إِنَّمَا نَحْنُ فِتْنَةٌ فَلَا تَكْفُرْ] "But they [i.e., the two angels] do not teach anyone unless they say, "We are a trial, so do not disbelieve [by practicing magic]." [Al-Baqara: 102]

Can we say that these angels have been sent from heaven to teach people witchcraft?

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh:

The answer to your questions is mentioned in the book, Al-Tayseer fi Usul Al-Tafsir - Interpretation of Surat Al-Baqara for the verses: (101-103), and if you do not have the book, I will quote it to you below:

[The book “Interpretation of Surat Al-Baqarah”, page 119-125, Word file:

Interpretation of the Allah’s (swt) saying:

[[وَلَمَّا جَاءَهُمْ رَسُولٌ... لَوْ كَانُوا يَعْلَمُونَ] “And when a Messenger came to them...if only they knew” (101-103)

[وَلَمَّا جَاءَهُمْ رَسُولٌ مِنْ عِنْدِ اللَّهِ مُصَدِّقٌ لِمَا مَعَهُمْ نَبَذَ فَرِيقٌ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ كِتَابَ اللَّهِ وَرَاءَ ظُهُورِهِمْ كَأَنَّهُمْ لَا يَعْلَمُونَ * وَاتَّبَعُوا مَا تَتْلُو الشَّيَاطِينُ عَلَى مُلْكِ سُلَيْمَانَ وَمَا كَفَرَ سُلَيْمَانُ وَلَكِنَّ الشَّيَاطِينَ كَفَرُوا يُعَلِّمُونَ النَّاسَ السِّحْرَ وَمَا أُنْزِلَ عَلَى الْمَلَكَيْنِ بِبَابِلَ هَارُوتَ وَمَارُوتَ وَمَا يُعَلِّمَانِ مِنْ أَحَدٍ حَتَّى يَقُولَا إِنَّمَا نَحْنُ فِتْنَةٌ فَلَا تَكْفُرْ فَيَتَعَلَّمُونَ مِنْهُمَا مَا يُفَرِّقُونَ بِهِ بَيْنَ الْمَرْءِ وَزَوْجِهِ وَمَا هُمْ بِضَارِّينَ بِهِ مِنْ أَحَدٍ إِلَّا بِإِذْنِ اللَّهِ وَيَتَعَلَّمُونَ مَا يَضُرُّهُمْ وَلَا يَنْفَعُهُمْ وَلَقَدْ عَلِمُوا لَمَنِ اشْتَرَاهُ مَا لَهُ فِي الْآخِرَةِ مِنْ خَلَاقٍ وَلَبِئْسَ مَا شَرَوْا بِهِ أَنْفُسَهُمْ لَوْ كَانُوا يَعْلَمُونَ * وَلَوْ أَنَّهُمْ آمَنُوا وَاتَّقَوْا لَمَثُوبَةٌ مِنْ عِنْدِ اللَّهِ خَيْرٌ لَوْ كَانُوا يَعْلَمُونَ]

“And when a messenger from Allāh came to them confirming that which was with them, a party of those who had been given the Scripture threw the Scripture of Allāh [i.e., the Torah] behind their backs as if they did not know [what it contained] * And they followed [instead] what the devils had recited during the reign of Solomon. It was not Solomon who disbelieved, but the devils disbelieved, teaching people magic and that which was revealed to the two angels at Babylon, Hārūt and Mārūt. But they [i.e., the two angels] do not teach anyone unless they say, "We are a trial, so do not disbelieve [by practicing magic]."1 And [yet] they learn from them that by which they cause separation between a man and his wife. But they do not harm anyone through it except by permission of Allāh. And they [i.e., people] learn what harms them and does not benefit them. But they [i.e., the Children of Israel] certainly knew that whoever purchased it [i.e., magic] would not have in the Hereafter any share. And wretched is that for which they sold themselves, if they only knew * And if they had believed and feared Allāh, then the reward from Allāh would have been [far] better, if they only knew” [Al-Baqara: 101- 103].

Allah (swt) clarifies in these verses the following:

1- The Jews opposed the Messenger of Allah (saw) and they challenged him with the Torah in which they questioned him from the Torah, asking the Messenger (saw) about the soul, the people of the cave and Zhul-Qarnain. The Messenger of Allah (saw) used to answer them by what Allah (swt) has revealed to him from the Quran. Moreover, the Messenger (saw) used to expose the ways they would twist and distort, such as their distortion of the stoning of the adulterer and the distortion of the description of the Messenger (saw) that came in the Torah, which was the revelation of Messenger of Allah (saw) confirming what was indicating by the Torah. Once they found that the outcome of the challenge using the Torah was not how they wished, they turned away from it and discarded it behind their backs [كَأَنَّهُمْ لاَ يَعْلَمُونَ] “as if they don't know”, i.e. their rejection of the Torah was from those who do not believe in it

and did not know the truth that came with it, including the description of the Messenger of Allah (saw). This indicates the extreme reluctance to accept what was in the Torah of the signs of the Prophethood of the Messenger of Allah (saw). They were reluctant with awareness!

When they failed to show their opposition to the Messenger of Allah (saw) with the Torah, they began looking for other issues in sources other than the Torah to challenge the Prophet (saw) with.

2- When Allah (swt) revealed to His Messenger that Suleiman was a Prophet,

[إِنَّا أَوْحَيْنَا إِلَيْكَ كَمَا أَوْحَيْنَا إِلَى نُوحٍ وَالنَّبِيِّينَ مِنْ بَعْدِهِ وَأَوْحَيْنَا إِلَى إِبْرَاهِيمَ وَإِسْمَاعِيلَ وَإِسْحَاقَ وَيَعْقُوبَ وَالأَسْبَاطِ وَعِيسَى وَأَيُّوبَ وَيُونُسَ وَهَارُونَ وَسُلَيْمَانَ وَآتَيْنَا دَاوُودَ زَبُورًا]

“We have sent Thee inspiration, As we sent it to Noah and the Messengers after him: we sent inspiration to Abraham, Isma'il, Isaac, Jacob and the Tribes, to Jesus, Job, Jonah, Aaron, and Suleiman, and to David we gave the Psalms.” [Surah An-Nisaa' 4:163]. The Jews stated that Suleiman was a magician and he was not a prophet; then they collected the books that the magicians wrote with the help of the Shayateen at the time of Suleiman (as). They were spread between their hands in Madinah and they said that these are the books that Suleiman judged by. They followed them and they made these books the material with which to argue with the Messenger of Allah (saw)

[وَاتَّبَعُوا مَا تَتْلُو الشَّيَاطِينُ عَلَى مُلْكِ سُلَيْمَانَ] “And they followed that which the Shayateen recited at the time of Suleiman.”

[مَا تَتْلُو الشَّيَاطِينُ]; what the Shayateen recited or what they whispered to the magicians to write in their books,

[يُوحِي بَعْضُهُمْ إِلَى بَعْضٍ زُخْرُفَ الْقَوْلِ غُرُورًا] “inspiring each other with flowery discourses by way of deception” [Surah Al-Ana'm 6:112] The Shayateen before Islam used to listen to the heavens and mix with it several kinds of lies and reveal it to their associates. RasulAllah (saw) said,

« فَيَسْتَخْبِرُ بَعْضُ أَهْلِ السَّمَاوَاتِ بَعْضًا حَتَّى يَبْلُغَ الْخَبَرُ هَذِهِ السَّمَاءَ الدُّنْيَا فَتَخْطَفُ الْجِنُّ السَّمْعَ فَيَقْذِفُونَ إِلَى أَوْلِيَائِهِمْ وَيُرْمَوْنَ بِهِ فَمَا جَاءُوا بِهِ عَلَى وَجْهِهِ فَهُوَ حَقٌّ وَلَكِنَّهُمْ يَقْرِفُونَ فِيهِ وَيَزِيدُونَ»

“Then the dwellers of heavens seek information from them until this information reaches the heaven of the world. In this process of transmission, the Jinn snatches what he manages to overhear and he carries it to his associates. And when the angels see the Jinn they attack them with meteors. If they narrate only which they manage to snatch that is correct, but they embellish it with lies and make additions to it.” The Jinn have been forbidden from eavesdropping after Islam,

[وَأَنَّا كُنَّا نَقْعُدُ مِنْهَا مَقَاعِدَ لِلسَّمْعِ فَمَنْ يَسْتَمِعْ الآنَ يَجِدْ لَهُ شِهَابًا رَصَدًا]

“We used, indeed, to sit there In (hidden) stations, to (steal) a hearing; but any who listen Now will find a flaming Fire watching Him In ambush.” [Surah Al-Jin 72: 9]

As for [عَلَى مُلْكِ سُلَيْمَانَ] it means at the time of Suleiman (as).

3- These magician's books were written in two ways:

• First: Whispers of the Shayateen of magic.

• Second: What was taught by the angels of Harut and Marut to the people; Allah (swt) sent them in Babylon, teaching the people of magic and warning them not to practice it. They informed the people that they both are a Fitna and a test for them [وَمَا يُعَلِّمَانِ مِنْ أَحَدٍ حَتَّى يَقُولاَ إِنَّمَا نَحْنُ فِتْنَةٌ فَلاَ تَكْفُرْ] “but neither of these two (angels) taught anyone (such things) till they had said, "We are for trial, so disbelieve not (by learning this magic from us).” And Allah (swt) revealed in this land the good and the evil to test his slaves, evil and good;

[وَنَبْلُوكُمْ بِالشَّرِّ وَالْخَيْرِ فِتْنَةً] “and we test you by evil and by good by way of trial.” [Surah Al-Anbiya 21: 35]

And the teaching of magic to people was as a test for them; the one who learns magic and practices it will be Kafireen, and the one who doesn't believe nor practice it will be safe [إِنَّمَا نَحْنُ فِتْنَةٌ فَلاَ تَكْفُرْ] “We are for trial, so disbelieve not (by learning this magic from us).”

4- Allah (swt) exonerated His Prophet Suleiman (as) from the lying and defamation of the Jews. Suleiman (as) wasn't a Kafir, and it is elaborated that he was neither a magician nor a believer of witchcraft and thus he is not a Kafir. He is the prophet of Allah (as) [وَمَا كَفَرَ سُلَيْمَانُ] “And Suleiman did not disbelieve” i.e. he was not a magician nor a believer in witchcraft to be a Kafir! This significance was appointed because

the Jews accused Suleiman (as) that he was a magician: - "Ibn Jareer narrated from Shaher bin Hawshab that he said; the Jews said, "Look at Muhammad he is mixing the truth with the falsehood, he mentions Suleiman with the prophets, but he was a magician and used to ride the wind." Therefore, Allah (swt) answered them and said;[وَمَا كَفَرَ سُلَيْمَانُ] "And Suleiman did not disbelieve" i.e. he was not a Magician, but the metaphorical use of Kafir in this verse indicates the one who believes in magic and practices it, will be Kafir, according to the language of the Arabs, as we mentioned.

Thus, Suleiman did not became a Kaffir, but the Shayateen were Kafireen

[وَمَا كَفَرَ سُلَيْمَانُ وَلَكِنَّ الشَّيَاطِينَ كَفَرُوا يُعَلِّمُونَ النَّاسَ السِّحْرَ وَمَا أُنزِلَ عَلَى الْمَلَكَيْنِ بِبَابِلَ هَارُوتَ وَمَارُوتَ وَمَا يُعَلِّمَانِ مِنْ أَحَدٍ حَتَّى يَقُولاَ إِنَّمَا نَحْنُ فِتْنَةٌ فَلاَ تَكْفُرْ]

"Suleiman did not disbelieve, but the Shayatin disbelieved, teaching men magic and such things that came down at Babylon to the two angels, Harut and Marut, but neither of these two (angels) taught anyone (such things) till they had said, "We are for trial, so disbelieve not (by learning this magic from us)."

5- The magic is displaying something in a way other than its reality, illusion, and this sense is coming from the verse

[سَحَرُوا أَعْيُنَ النَّاسِ] "They bewitched the eyes of the people." [Surah Al-Araef 7:116].

[يُخَيَّلُ إِلَيْهِ مِنْ سِحْرِهِمْ أَنَّهَا تَسْعَى] "then behold their ropes and their rods -so it seemed to him on account of their magic - begin to be in lively motion!" [Surah Taha 20: 66] which mean the reality of the stick remains a stick, but for the onlooker it appears as a snake by illusion.

It was stated by Al-Jawahiri in the book, The Language (al-Lugha): the magic is the spellbinding and everything that can be spellbound easily and exactly is magic; for example, when you perform magic in front of a boy, it means that you have tricked him. The magic was mentioned in the collection of the Arabs in the sense of the torment and severity in bewildering and lying, about which the poet said, أعوذ بربي من النافثات من عضة العاضة المُعِضة I seek refuge in my Lord from the sorcery from the torment of the tormentor.

The magic, in the sense of concealment, was used by Arabs as well; whereas, the magician is performing with secrecy. As for, what is the magic, they are skills that enable the magician to deceive the eyes of

the people to see things as an illusion, other than reality. However, the reality does not change, in the sense that it does not nullify the reality; for example, if someone grabbed the snake that appears from the stick, he will confirm that it is a stick. So when the magicians threw their rods they were seen as sticks. However, they bewitched the eyes of the people so as to make them appear as snakes. And when Moses (as) threw his stick, the magicians saw that it became a real snake. It was not a stick for it then swallowed up their rods, overturning the reality. They realized that this is not magic because magic does not nullify the reality. Therefore, they realized that it was not magic, rather it is Haq from the Lord of the Worlds as was said by Moses (as) and they believed strongly.

6- And [وَاتَّبَعُوا مَا تَتْلُو الشَّيَاطِين]"They followed what the Shayatin (devils) gave out (falsely of the magic)" and

[وَلَكِنَّ الشَّيَاطِينَ كَفَرُوا يُعَلِّمُونَ النَّاسَ السِّحْر] "but the Shayatin disbelieved, teaching men magic" shows that the magic is reciting the words of Kufr. This means that the magic is a skill being executed by using the words of Kufr in its procedures or determinations. Other than this is not what is called magic as mentioned in this Ayah. Such as making matters appear as other than their reality, using trickery - such as fast hands or the like - or employing speech which is not kufr to give an illusion to the people, making things appear as they are not - as some charlatans do, including circles of elders. This is not the magic as mentioned in the Ayah.

7- The punishment of the performer of magic, as we have clarified, is death for it is the punishment of the Murtad (apostate). He is a Kafir as previously mentioned. The Companions (ra) have punished the magician by death. Hafsa, the mother of believers, (ra) ordered the killing of a sorceress once it was confirmed that she performed magic.

As for what was narrated that Uthman (ra) objected to what Hafsa did; that objection was because she did that without his permission as a Khalifah of the Muslims.

However, he did not deny the ruling of death for the magician. Similarly, in the time of Umar (ra) he killed the magician, i.e. it is the consensus of the companions over the ruling because it was a significant matter that happened in front of them without any denial. Ahmad narrated from Sufiyan from the son of Muawiya, uncle of Al-Ahnaaf bin Qays that he said, "We received a letter from Umar a year before his death to kill every magician, male or female."

As for what we have mentioned about some of the handiwork that endangers people if it is not clear to them, such as the trickery of some elders; the punishment is discretionary punishment "Ta'zeer" depending on how much harm they have done to those they deceived. It is known that the discretionary punishment in Islam could reach killing, depending on the type of the committed crime.

But the difference between the killing of "Hudood" and the killing of "Ta'zeer" is that in the first case, the killed is Murtad (Apostate from Islam). We do not pray over him and he is not to be buried in the Muslims' cemeteries. The second case is a Muslim but he is either Fasiq or Fajir depending on the type of the crime and there is prayer over him and he should be buried in the Muslims' cemeteries.

8- [فَلاَ تَكْفُرْ فَيَتَعَلَّمُونَ مِنْهُمَا مَا يُفَرِّقُونَ بِهِ بَيْنَ الْمَرْءِ وَزَوْجِهِ وَمَا هُمْ بِضَارِّينَ بِهِ مِنْ أَحَدٍ إِلاَّ بِإِذْنِ اللَّهِ]

“So disbelieve not (by learning this magic from us).' And from these (angels) people learn that by which they cause separation between man and his wife, but they could not thus harm anyone except by Allah's leave.”

Allah (swt) clarifies in this Ayah that those who learn magic and practice it are able to effect those who they act upon from the people, such as creating problems between them and their spouses which leads to divorce or separation. Allah (swt) shows an important Aqeedah matter to remove what may enter the minds of people, that the magician has the ability of Allah or he can do things against the Will of Allah. Therefore, Allah (swt) clarifies in this Ayah that nothing happens in His Dominion without His Permission, against His Will, and this is the meaning of the Will of Allah. Then nothing happens in the Dominion of Allah against His (swt) Will i.e. everything that happens is with His Permission or His Will or voluntarily (swt), [وَمَا تَشَاءُونَ إِلاَّ أَنْ يَشَاءَ اللَّهُ رَبُّ الْعَالَمِينَ] “But you shall not will except As Allah wills,- the Cherisher of the worlds.” [Surah At-Takweer 81:29.] But that does not mean that it is with His consent because Allah (swt) does not accept the Kufr and the sin;

[إِنْ تَكْفُرُوا فَإِنَّ اللَّهَ غَنِيٌّ عَنْكُمْ وَلاَ يَرْضَى لِعِبَادِهِ الْكُفْرَ] “If you reject (Allah), truly Allah has no need of you; but He likes not Kufr from His servants” [Surah Az-Zumar 39:7.] This term has this meaning as we understood from the extrapolation of the texts, and His permission or His Will can't be explained from the literal linguistic meaning of permission or willing, which means allowing or requesting things or satisfaction, but it is interpreted in terms of Terminology, as is known by the people of language or the people of Fiqh or the people of Usool or any of the other Uloom (fields of knowledge).

And [بِإِذْنِ اللَّهِ] “With the permission of Allah” has significant and great meaning at this point, because what appears in the actions of sorcerers in front of people in terms of illusion and seeing some things that they may imagine that they are creating as Allah (swt) creates or are doing things that Allah (swt) cannot revoke. So, Allah stressed that nothing happens but with His authorization, i.e. not against His Will but within His Will in this sense, and Allah (swt) can revoke their magic, and nothing happens in His Dominion against of His Will.

And here someone may say, "So why does Allah not invalidate their magic?!"

Allah (swt) clarifies the good from evil; and He clarifies to us that He rewards the goodness and punishes the evil. He then lets us know that Allah can make us one nation on either good or bad;

[وَلَوْ شَاءَ رَبُّكَ لَجَعَلَ النَّاسَ أُمَّةً وَاحِدَةً وَلاَ يَزَالُونَ مُخْتَلِفِينَ] "if your Lord had so willed, He could have made Mankind one people: but they will not cease to dispute." [Surah Hud 11:118]. But Allah (swt) from wisdom He knows, left us to choose what we want from the evil or good and we will be recompensed over them accordingly, and some enter Paradise and some enter Hell;

[وَلَوْ شِئْنَا لَآتَيْنَا كُلَّ نَفْسٍ هُدَاهَا وَلَكِنْ حَقَّ الْقَوْلُ مِنِّي لَأَمْلَأَنَّ جَهَنَّمَ مِنْ الْجِنَّةِ وَالنَّاسِ أَجْمَعِينَ]

"If we had so willed, we could certainly have brought every soul its true guidance: but the word from me will come True, I will fill Hell with Jinns and men all together." [Surah As-Sajdah 32:13] Therefore, there is no place to question why Allah (swt) did not invalidate the evil of the sources. Or why Allah (swt) didn't lead us to do the good in everything that He ordered us to do. Or why Allah (swt) did not stop us from doing the evil and do only the good.... Allah (swt) clarifies to us the good from the evil, and He left us to choose, and that is the wisdom of Allah Almighty;

[لاَ يُسْأَلُ عَمَّا يَفْعَلُ وَهُمْ يُسْأَلُونَ]"He cannot be questioned for His acts, but They will be questioned (for theirs)". [Surah Al-Anbiya 21: 23]. However, in all cases we must believe that nothing happens against His Almighty in the Kingdom of Allah, but with His Permission and His Will.

9- [وَلَقَدْ عَلِمُوا لَمَنْ اشْتَرَاهُ مَا لَهُ فِي الآخِرَةِ مِنْ خَلاَقٍ] "And indeed they knew that the buyers of it (magic) would have no share in the Hereafter." This means that all magic is evil; this is a description to what they learnt of magic,

[يُعَلِّمُونَ النَّاسَ السِّحْرَ] and this description is significant and clear that what they are learning harms them and doesn't benefit them, because magic is evil and does harm without benefit.

And Allah (swt) clarifies that the one that practices the magic, as we have described it, does not have any chance of the afterlife because he is an unbeliever of Allah and His signs.

[اشْتَرَاهُ مَا لَهُ] means purchased, and it has been used here meaning of a metaphor which means he took it as a career for himself.

[وَلَقَدْ عَلِمُوا لَمَنْ اشْتَرَاهُ مَا لَهُ فِي الآخِرَةِ مِنْ خَلاَقٍ] “And indeed they knew that the buyers of it (magic) would have no share in the Hereafter” is in the meaning of the prohibition on the practice of magic.

[وَلَبِئْسَ مَا شَرَوْا بِهِ أَنفُسَهُمْ لَوْ كَانُوا يَعْلَمُونَ] “And how bad indeed was that for which they sold their own selves, if they but knew.” It is evil that they are sold themselves to magic, and they subject themselves for the punishment of Allah, and they wasted against the fire of hell[مَا لَهُ فِي الآخِرَةِ مِنْ خَلاَقٍ] “He would have no share in the Hereafter.”

[لَوْ كَانُوا يَعْلَمُونَ] “if they but knew” which means that if they benefit from what they learned! Because the one who knows and doesn't benefit from it, he as if he does not know. Therefore the one who knows that the magic consequences are dire and still practices it; he is as if he does not know, and this is a significant argument in the subject, SubhanAllah the Almighty!

The Messenger of Allah (saw) sought refuge with Allah from the non-beneficial knowledge,

«أعوذ بالله من علم لا ينفع، وقلب لا يخشع، وعين لا تدمع» “O Allah! I seek refuge in you from the knowledge which is not beneficial, and from a heart which does not fear (You), and from desire which is not satisfied.” [Muslim]. This use is a significant argument in the subject, as we said, and it is in different place in the Book of Allah and it is used in other indications,

[أَفَلَمْ يَسِيرُوا فِي الأَرْضِ فَتَكُونَ لَهُمْ قُلُوبٌ يَعْقِلُونَ بِهَا أَوْ آذَانٌ يَسْمَعُونَ بِهَا فَإِنَّهَا لاَ تَعْمَى الأَبْصَارُ وَلَكِنْ تَعْمَى الْقُلُوبُ الَّتِي فِي الصُّدُور]

“Do they not travel through the land, so that their hearts (and minds) may thus learn wisdom and their ears may thus learn to hear? Truly it is not their eyes that are blind, but their hearts which are in their breasts.” [Al-Haj 20:46]

[إِلاَّ دُعَآءً وَنِدَآءً صُمٌّ بُكْمٌ عُمْىٌ فَهُمْ لاَ يَعْقِلُونَ] “nothing but calls and cries: Deaf, dumb, and blind, they are devoid of wisdom.” [Surah Al-Baqara 2:171].

The one who does not benefit from his ears, as if he does not hear.

And the one who does not benefit from his eyesight, as if he cannot see.

And the one that he does not benefit from his tongue as if he does not speak.

And the one who does not benefit from his mind as if he does not make sense.

And the one who does not benefit from his knowledge as if he does not know.]

You will find this sufficient insha'Allah.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

18 Ramadan 1444 AH

9/4/2023 CE

Answer to Question

The Original Connotation (Dalalat Al-Asl) and the Appendant (Secondary) Connotation (Dalalah Tabi'ah)

To: Yeni Camii

(Translated)

Question:

It is stated in The Islamic Personality Volume I, p. 307 (Arabic version), that connotations (Dalalat) are divided into original connotation (Dalalat Al-Asl) and the appendant (secondary) connotation (Dalalah Tabi'ah) ... However, it was mentioned in The Islamic Personality Volume III, p. 129 (Arabic version), that the connotations (Dalalat) are divided into utterances (Mantooq) and concepts (Mafhoom), and that the utterance (Mantooq) is of two parts; conformity (Mutabaqa) and implication (Tadhamun), and that the concept (Mafhoom), i.e., the binding connotation (Dalalat Al-iltizam), is of different types. From these types is the indication connotation (Dalalat Al-Ishara). When explaining the indication connotation (Dalalat Al-Ishara), its examples were the same as those mentioned in the The Islamic Personality

Volume I as examples of the appendant (secondary) connotation (Dalalah Tabi'ah) for some of them. This caused some confusion on the subject of divisions mentioned in Volume I and Volume III. So, is the original connotation (Dalalat Al-Asl) the utterance (mantooq) and the appendant (secondary) connotation (Dalalah Tabi'ah) is the concept (mafhoom)? Or is their a specific aspect for each division of connotations (Dalalat) in which it is used? Was the division of these connotations (Dalalat) in one or different times? May Allah reward you with good.

Answer:

1- The part you are asking about is in the book, The Islamic Personality Volume I, which fully clarifies the meaning of the original connotation (Dalalat Al-Asl) and the appendant (secondary) connotation (Dalalah Tabi'ah). It says in the chapter on "The Ummah's need today for Mufassirin" [on page 305-307 of the (Arabic Word file) / English version p. 228]:

[As for the reality of the Qur'an in terms of its vocabulary, we can see that it contains vocabulary on which the linguistic meaning applies literally (haqiqatan) and it also applies metaphorically (majazan). The lingusitic and methaphorical meaning may continue to be used together. The intended meaning is known by the qarina (indication) in each phrase construction. The lingusitic meaning may be intentially forgotten with the metaphorical meaning continuing, so it becomes what is intended and not the lingusitic meaning. We also notice vocabulary on which only the linguistic meaning applies. It is not used in the metaphorical sense due to the absence of any qarina (indication) which would divert us from the lingusitic meaning. And within it, there is vocabulary on which the lingusitic meaning and the new Shari'ah meaning applies to the exclusion of the literal and metaphorical menaings. Vocabulary in the lingusitic and Shari'ah sense is used in various verses. What determines any intended meaning is the structure of the ayah. Otherwise, only the Shari'ah meaning applies to it and it is not used in the linguistic sense. For example, the word qarya (town) is used in the liguistic sense only. He (swt) says:

[حَتَّى إِذَا أَتَيَا أَهْلَ قَرْيَةٍ اسْتَطْعَمَا أَهْلَهَا]

"Till, when they came to the people of the town" [TMQ Al-Kahf: 77]

[أَخْرِجْنَا مِنْ هَذِهِ الْقَرْيَةِ]

"Rescue us from this town" [TMQ An-Nisā': 75] It is used in its metaphorical sense. He (swt) says:

[وَاسْأَلِ الْقَرْيَةَ الَّتِي كُنَّا فِيهَا]

“And ask (the people of) the town where we have been” [TMQ Yusuf: 82] The town is not questioned but rather those intended are the people of the town; this meaning is metaphorical. And He (swt) says:

[وَكَأَيِّن مِّن قَرْيَةٍ عَتَتْ عَنْ أَمْرِ رَبِّهَا]“And many a town (population) revolted against the Command of its Lord” [TMQ At-Talaaq: 8] The people of the town are intended here. And for example in His (swt) saying:

[أَرَأَيْتَ الَّذِي يَنْهَى * عَبْداً إِذَا صَلَّى]“Have you (O Muhammad (saw)) seen him (that is, Abu Jahl) who prevents, a slave (Muhammad (saw)) when he prays?” [TMQ Al-‘Alaq: 9-10] What is intended here is the Shari’ah meaning:

[يُصَلُّونَ عَلَى النَّبِيِّ].And in the ayah: “His angels too ask Allah to bless and forgive the Prophet” [TMQ Al-Ahzaab: 56] what is intended here is the lingusitic meaning which is the du’a (supplication). And for example, in His (swt) saying: [فَإِذَا قُضِيَتِ الصَّلَاةُ]“Then when the (jum'a) salat (prayer) is finished” [TMQ Al-Jumu’a: 10]and His saying (swt):

[يَا بُنَيَّ أَقِمِ الصَّلَاةَ]“O my son! Establish the salat (prayer)” [TMQ Luqman: 17]. All the ayat in which salah is mentioned, they have only been used in the Shari’ah meaning.

This is with regards to the vocabulary. As for the phrases, the Arabic language (is composed of) words which indicate meanings; when we examine these words in terms of their presence in phrases whether in terms of their existence in phrases whether relating to its isolated meaning in the phrase or the meaning of the whole phrase, we will only find two perspectives. Firstly, they should be viewed from the angle of being general words and expressions which indicate general meanings, and this is the original connotation. Secondly, they should be viewed from the angle of being words and expressions which indicate meanings which serve general words and expressions; this is the appendant (secondary) connotation.

As for the second category i.e., the fact that the structures are composed of words and expressions indicating meanings which serve general (mutlaqa) words and expressions, every peice of information stated in the sentence necesitates the clarification of what is intended in the sentence in relation to this piece of information. So the sentence is composed in a manner which leads to the intention, according to the informer and the one who is being informed of it, with the same report, in the same state in which it existed and in the same context in which the sentence cites and in the type of style in terms of clarity, ambiguity, brevity and vorbosity etc. So you would say at the beggining of a report: qaama (stood up) zayd, if there is no concern about the one being informed rather the report. If the concern is about

the one being informed you would say: zayd qam. And in response to a question or something on the level of a quention you would say: Indeed zayd did stand up (inna zaydan qam) and in respose to someone who refuses to believe: By Allah! Indeed zayd did stand up (wallahi inna zaydan qam). In notifying someone who expects Zayd to stand up: zayd has stood up (qad qama zayd) and other such issues which should be considered in Arabic texts. The Qur'an has come fulfilling those two viewpoints.

So the absolute words and expressions indicating absolute meanings and the words and expressions with restricted meanings have come serving absolute meanings in various rhetorical aspects. One of finest aspects evident in it is the existence of the words with serving meanings which is the appendant connotation, the ayaat and the parts of ayaat which repeat in the Qur'an in a single Sura or in different Sura's and similarly the stories and the sentences which repeat in the Qur'an and the preference of the attribute (Mahmul) over the subject (Maudu'), and the different types of emphasis or a single type according to the course of the sentence, and negational enquiries etc.; all of this implicate the highest type of appendant connotation. You will find an ayah or a part of an ayah or a sentence or story in a certain sequence in some Sura's and in another sequence in another Sura and it is seen in a third style in another Sura etc. You will not find one expression where the original sequence has been changed like the precedence of the predicate before the subject, or mentioning a certain part of some information in preference to another part of the same information that is usually used, we will find an eloquent witty point aimed at generating a meaning that serves the general meanings contained in the words and phrases of the Ayah.] End

2- As you can see, the original connotation is what is seen from the point of view of being absolute words and phrases indicative of absolute meanings, which is the original connotation. That is, the meaning of the words according to the methods of the language, such as bringing forth (taqdeem) and delay (ta'kheer), expansion (itnab) and brevity (Ijaz), fact (haqiqa) and metaphor (majaz)... etc. In other words, it is the utterance (mantooq) of the text, so the utterance, as stated in The Islamic Personality Volume III p. 180, is: (If the denotation of the assignment address over the verdict is benefited directly from the expression, then it is the literal denotation (دَلالةُ المَنْطُوق), and if the denotation is from the meaning which the expression denotes, then it is the connotation denotation (دَلالَةُ المَفْهُوم). The mandtooq is that which the expression denotes it decisively in the place of its utterance, that is which is understood from the expression directly without any means or possibility, like the obligation of fasting the month of Ramadhan which is understood from the saying of Allah Ta'ala: [فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ]"So whosoever of you is present during (witnesses) that month must fast it" (Surat Al-Baqarah: 185), and that is when the expression is uttered, it denotes the meaning, which is called the expressional denotation. So what the expression denotes by correspondence or inclusion is the literal denotation, it is not that which is understood from the context of the talk, because the expression with regard to the denotative is divided into three divisions; they are: the corresponding denotation (دلالة المُطابَقة), the inclusion denotation (دلالة التَّضَمُّن), and the binding denotation (دلالة الالتِزام). So the denotation of the expression upon its meaning completely and correspondingly is from the literal denotation, and the denotation of the expression upon its meaning partially is inclusion denotation and it is from the literal denotation too. And if the address denotes the verdict by its literal denotation, it should primarily be regarded as a shari'ahi reality like the saying of the Messenger (saw): «لَيْسَ مِنَ البِرِّ الصِيَامُ فِي السَّفَرِ»"It is not

of the piety to fast while travelling" compiled by Ahmad, it should be regarded as the shari'ahi sawm not the linguistic sawm, because the prophet (saw) was sent to clarify the shari'ahi matters. If the expression is not a shari'ahi reality or it is but it cannot be carried out on it, it should be regarded as the conventional reality that existed at era of the Prophet (saw), because this should be firstly regarded to understand, and because the shari'ah considers the convention in many issues like the belief. If it is impossible to carry it out on the shari'ahi reality, or on the conventional reality which existed at Messenger's era, then it should be regarded as a linguistic reality. So the texts of the shari'ah are legislative expressions came to clarify the Islamic shari'ah, so properly their denotation is the shari'ahi meaning, then the conventional meaning, then the linguistic meaning. This is if the use of the shari'ahi and conventional meanings increase so that one of them overcomes the linguistic meaning, but if it is not like that, then the meaning is common between the three and cannot be outweighed without an indication, and if it is impossible to carry it out on the three realities; it should be carried out on the metaphorical meaning to safeguard the talk from the negligence).

3- Thus, we can see that the original connotation is the utterance connotation and both mean the expression connotation. The speech connotation on the ruling, if it was from the expression, then it is the utterance connotation. The original connotation is what is seen from the point of view of being absolute words and phrases indicative of absolute meanings, which is the original connotation. The appendant (secondary) connotation is a servant of the original connotation and clarifies it in a wonderful manner that shows the splendor of the meaning and the splendor of the structure; that is, it is a servant of the utterance that clarifies it and clarifies it in terms of truth (haqiqa) and metaphor (majaz), expansion (itnab) and brevity (Ijaz), bringing forth (taqdeem) and delay (ta'kheer),...etc., i.e. with everything that clarifies the meaning and highlights (the manifestation of His eloquence and the ability of His miraculousness)..and this means appendant (secondary) connotation is an explanation of the utterance confirming its ruling and not an explanation of another ruling, as it serves the original connotation i.e. the utterance to clarify its meaning and not to create a different ruling, i.e. the appendant (secondary) connotation is not the concept (mafhoom) nor is it a type of its types. The mandtooq is what is understood from the denotation of the expression, but the mafhoom is what is understood from the denoted meaning of the expression like His Ta'ala's saying:[فَلَا تَقُلْ لَهُمَا أُفٍّ]"say not to them (ugh) a word of disrespect" (Surat al Israa': 23), the denotation of the expression is that you don't say 'ugh' to them and this is the mandtooq, but the denoted meaning of the expression which is the forbiddance of saying 'ugh' to them can be understood from it that you mustn't hit them, so the mafhoom of His Ta'ala's saying: [فَلَا تَقُلْ لَهُمَا أُفٍّ]"say not to them (ugh)" is don't hit them. So the forbiddance of hitting the parents which is understood from the Aayah is denoted by the denoted meaning of the Aayah…).

4- And for your information, the utterance (mantooq) and the concept (mafhoom) were focused on by scholars of fundamentals (usool) in the first centuries since the era of Ash-Shafi'i, [died 204 Hijri], as Al-Juwayni said in Al-Burhan, and it flourished in the fifth century AH, especially according to Al-Juwayni, the Imam of the Two Holy Mosques in his book (Al-Burhan fi Usul al-Fiqh) who died in the year 478 AH And Al-Ghazali in his book (Al-Mustasfa), who died in 505 AH, and we will mention some of what Al-Ghazali said about Al-Mustasfa:

On p. 25: [The first chapter is about the utterance connotationon on meanings]

The first art in the antecedents has three chapters

The first chapter: on the utterance connotation on the meaning, it is clear that the intention behind it are divisions:

The first division: that the utterance connotation on the meaning is limited to three aspects, which are conformity (mutabaqa), implication (tadhamun) and binding (Iltizam)...etc

On page 246: the Fifth: Understanding by the context, like forbidding beating the father, since it is understood from the prohibition of expressing disappointment (oof). It is definite like the text. Even if it is not based on an expression. We are not after the exact expression but its indication. Every audible evience is definite, and is like the text. The mafhoom (concept) according to those who follow this opinion is also like the mantooq, what is uttered, even if it is mentioned in general in the obligation of the zakat of goats and the Legislator then says: «فِي سَائِمَةِ الْغَنَمِ زَكَاةٌ»"There is zakat in the pasturing goat", they take the non pasturing goats from the mafhoom (concept) of this expression of the general name of goats, ghanam, na'am etc]

Then the scholars of fundamentals (Usool) followed, so there was "Al-Mahsool Fi Usool Al Fiqh" in the fundamentals of jurisprudence by Ibn Al-Arabi who died in 543 AH, and "Al-Mahsool" by Al-Razi who died in 606 AH, and "Rawdat Al-Nazir" by Ibn Qudamah who died in 620 AH, then "Al-Ahkam Fi Usool Al-Ahkam" by Al-Amdi who died in 631 AH... then the scholars of fundamentals (Usool) after that.

5- Then there was the division of connotations into original and appendant, and the most focused on this matter was Imam Al-Shatibi who died in 790 AH in his book Al-Muwafaqat - volume I - Chapter on "Types of Arabic Meanings and Its Ranks", first edition 1417 AH / 1997 CE (pp. 51-52), where he said:

[(3) Types of Arabic meanings and its ranks... It is customary for Arabs in discourse - as Al-Shatibi mentions - that the Arabic language has two indications:

The first: In terms of being absolute words and expressions, indicative of absolute meanings. It is the original connotation, and this is shared by all tongues, and to it the aims of the speakers end, and it is not specific to one nation over another, and it is the one that can be translated into other languages,

and it is correct to interpret the Qur'an from, and clarifying its meaning to the public, and whoever has no understanding is able to obtain its meanings.

And the second: in terms of being utterances and restricted expressions, indicative of servant meanings. And this is the appendant connotation to the original connotation. This is specific to Lisan al-Arab. ("Every news requires matters in this aspect that serve that, according to the informant, the one who is informed about him, the one who is informed of him, and the same news, in the case and context, and the type of method of clarification and concealment, brevity and expantion, and according to the metaphor of it, and stating it, and according to what is intended in the course of informing, and what the case may be... and other matters that cannot be counted.. Such behaviours, according to which the meaning of a single speech differs, are not the original intention, but they are among its complements and having patience in this type, improves the speech if there is no reprehensible in it") And he adds, saying about this second connotation: ("It is what is searched for in the science of rhetoric, and the rhetoricians call it "consequences of compositions"; it is the characteristics of the systems that raise the status of speech. If the Qur'an, as linguistic utterances, has an original and appendant connotation (which is the manifestation of its eloquence, and the ability of its miraculousness); Its translation, given the secondary meaning, is not easy. Al-Zamakhshari said in "Al-Kashshaf": "In the speech of the Arabs especially the Qur'an - there are subtle meanings that no tongue can perform independently." As for what can be transferred to another language, it is the original meaning, where foreign languages do not fall short in translating them, and this is what al-Shatibi decided on the issue of translating the Qur'an...)] End

6- It is worth mentioning that there is a difference of opinion on this issue among the scholars of Usul. Some of them said similar to what we have mentioned, that the appendant connotation does not bring a new ruling, but rather it serves to explain the original connotation. Some of them make the appendant connotation from the mafhoom (concept), especially the indication connotation (Dalalat Al-Ishara), such as the minimum period of pregnancy...etc. We have explained the indication connotation (Dalalat Al-Ishara) as part of the mafhoom (concept) in The Islamic Personality Volume III page 186, and we said:

[The indication connotation (Dalalat Al-Ishara): the indication of the indication is that the speech was conveyed to clarify a ruling, or indicated a ruling, but it is understood from it another ruling other than the ruling that was cited to clarify it, or came to indicate it, even though this other ruling was not intended by the speech, so the indication of the speech is on. This ruling, which was not irrigated for, nor indicated for, but is understood from, is the indication of the sign. An example of this is the indication of the sum of His words, the Most High: [وَحَمْلُهُ وَفِصَالُهُ ثَلَاثُونَ شَهْراً]"And his carrying and his weaning is thirty months" and the Almighty's saying: [وَفِصَالُهُ فِي عَامَيْنِ]"And his weaning is in two years" that the minimum period of pregnancy is six months, even if it is not that was not intended by the word. Likewise, the Most High's saying: [فَالآنَ بَاشِرُوهُنَّ]"So now, have good relations with them" He permitted direct relations until the onset of dawn by saying: [حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الأَبْيَضُ مِنَ الْخَيْطِ الأَسْوَدِ مِنَ الْفَجْرِ]"Until the white thread becomes clear to you from the black thread of dawn" and the statement of that was what was intended, and yet it was necessary for him that whoever had intercourse on the night of

Ramadan and became junub did not invalidate his fast; because if someone has intercourse at the end of the night, his washing must be delayed until the day]

Al-Shatibi confirms that there are scholars of original and appendant connotation who say this, i.e., the appendant connotation is the indication connotation and give it the same examples that we mentioned for the indication connotation. So he said in Al-Muwafaqat 2/151-154, explaining the difference in the appendant connotation, under the title (the fifth issue), and he says:

[If it is established that the speech in terms of its indication of the meaning has two considerations, from the aspect of its indication of the original meaning, and from its aspect of the appendant indication that is a servant of the original, then it is necessary to consider the aspect from which the rulings are derived, and whether it is specific to the original meaning or covers both aspects.

As for the aspect of the original meaning, there is no problem with the validity of considering it in denoting rulings in general, and there is no room for disagreement about it in any case. As for the aspect of the appendant meaning, is it correct to consider it in denoting rulings in terms of getting extra meanings from them to the original meaning, or not? This is a matter of hesitation, and each of the parties has a point of view.

The proofreader may refer to aspects:

The second is that the inference of the Shari'ah on rulings is in terms of their being in the tongue of the Arabs, not in terms of their being words only. This consideration includes what is indicated by the first aspect and what is indicated by the second aspect. So the specification of the first by denoting the rulings without the second is the specification of those that are not specific, and the outweighing of those that are not likely, and all of that is invalid, because the first is not prior to the indication than the second, so considering them together is the determinant.

And the third is that the scholars considered it and inferred rulings from it in many places:

The first, then, is not prior to the indication than the second, so considering both of them together is the determinant.

And the third is that the scholars considered it and inferred rulings from it in many places:

They inferred that the longest period of menstruation is fifteen days, because of his saying (saw):

«تَمْكُثُ إِحْدَاكُنَّ شَطْرَ دَهْرِهَا لَا تُصَلِّي»"One of you should stay for part of her life, not praying." What is meant is to tell of a decrease in debt, not to tell of the maximum period, but exaggeration necessitated mentioning that, and if the increase was imagined, it would be presented.

And as their evidence for estimating the minimum period of pregnancy is six months, taking Allah's saying (swt):

[وَحَمْلُهُ وَفِصَالُهُ ثَلَاثُونَ شَهْراً]"And his gestation and weaning [period] is thirty months" [Al-Ahqaf: 15] along with His (swt) saying: [وَفِصَالُهُ فِي عَامَيْنِ]"…and his weaning is in two years" [Luqman: 14] so the intent in the first verse is to explain the duration of both matters without elaboration, then He (swt) explained in the second the period of weaning intentionally and was silent about the duration of pregnancy alone, not intentionally, and He (swt) did not mention its duration, so it was necessary for that to be at least six months.

And they said regarding His (swt) saying, [فَالآنَ بَاشِرُوهُنَّ]"So now have relations with them" [Al-Baqara: 187] And they said regarding His (swt) saying:

[حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الأَبْيَضُ مِنَ الْخَيْطِ الأَسْوَدِ مِنَ الْفَجْرِ]"…until the white thread of dawn becomes distinct to you from the black thread [of night]" [Al-Baqara: 187]The verse indicates that it is permissible to wake up in a state of impurity (junub) and the validity of fasting, because the permissibility of direct intimacy until the rising of dawn requires that, even if the explanation is not intended because what is bound to the intention is the explanation of permissibility of intimacy, eating and drinking.

The preventer (mani') may also be inferred by the following aspects:

One of them is that this aspect is by imposition a servant of the first and by following it. Its indication of a meaning is only in terms of it affirming the first, strengthening it, clarifying its meaning, and listening to it is accepted and is comprehensible to the minds.

What we say regarding: [وَاسْأَلِ الْقَرْيَةَ الَّتِي كُنَّا فِيهَا]"And ask the village in which we were in" [Yusuf: 82] the intent is to ask the people of the village, but the village was made responsible, an exaggeration in fulfilling the question and other than that, so there was no ruling based on attributing the question to the village.

And the third is that setting this aspect to be dependent on the first one requires that what it fulfills in terms of meaning cannot be taken except from that aspect. If it is permissible to take it from something else, it would be a departure from its position, and that is not correct, and its indication of a rule that is added to what is in the first is a departure from it being dependent on the first. So, the use of the ruling on its part will be based on a non-Arabic understanding, and that is not correct.

As for the period of menstruation, we do not accept that the hadeeth indicates it, and there is a dispute about it. Therefore, the Hanafis say that the most of it is ten days, and if it is correct, then this is not from the aspect of the wording connotation denoting the situation, and there is discussion on it... and the minimum period of pregnancy is taken from the first side, not from the second side, and the same applies to the issue of waking up in impurity (junub), since otherwise is not possible.

And so is the rest of what is imposed in this section. The conclusion is that the inference on the second side of the rulings is not proven, so it is not correct to implement it at all.

It is correct, then, to say that it is absolutely forbidden, and Allah knows best, meaning that Al-Shatibi does not take the opinion of the first group, but rather the second, but after that he adds:

[Chapter: The contradiction of the evidence in the matter has been shown and it has appeared that the stronger of the two sides is the side of the objectors, so the case necessitates that the second side, which is the signifier of the consequential meaning, has no indication of an extra Shariah ruling at all. But there remains another consideration, perhaps I think that it has an indication of extra meanings to the original meaning; which are Shariah etiquette and good morals recognized by every person with a sound mind, so they have consideration in the Shariah, so the second aspect is not completely devoid of the connotation.

7- In conclusion:

a- The original connotation (Dalalat Al-Asl) is the utterance (Al-Mantooq) and both mean the expression connotation. The utterance connotation is the speech connotation on the ruling, if it was from the expression directly, in the place of definite pronunciation. The original connotation is what is seen from the point of view of being absolute words and phrases indicative of absolute meanings, which is the original connotation.

So, the mantooq and the original connotation are both connotations directly from the expression.

b- The appendant (secondary) connotation is a servant of the mantooq and clarifies it in a wonderful manner that shows the splendor of the meaning and the splendor of the structure; that is, it is a servant of the utterance that clarifies it and clarifies it in terms of truth (haqiqa) and metaphor (majaz), expansion (itnab) and brevity (Ijaz), bringing forth (taqdeem) and delay (ta'kheer),...etc.; that is, with everything that clarifies the meaning and highlights (the manifestation of His eloquence and the ability of His miraculousness)..and this means appendant (secondary) connotation is an explanation of the utterance confirming its ruling and not an explanation of another ruling, as it serves the original connotation i.e. the utterance to clarify its meaning and not to create a different ruling, i.e. the appendant (secondary) connotation is not the concept (mafhoom) nor is it a type of its types…neither the indication connotation (Dalalat Al-Ishara) or any other type.

c- For your information, there is a difference of opinion on this issue among scholars of fundamentals (Usool). Some of them said similar to what we have mentioned, that the appendant connotation does not bring a new ruling, but rather it is a servant that explains the original connotation. Among them are those who make the appendant connotation from the concept (mafhoom), especially the indication connotation (Dalalat Al-Ishara), such as the longest period of menstruation and the shortest period of pregnancy, and the waking in the morning with impurity (junub) does not invalidate the fast, etc, as indicated above. However, the most preponderant view to us is what we have mentioned above.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

6 Sha'ban 1444 AH

26/2/2023 CE

Answer to Question

The Constituent Assembly of Joint-Stock Companies

To: Hamzeh Shihadeh

(Translated)

Question:

Assalam Alaikum Wa Rahmatulah Wa Barakatuh

May you be in best health and wellbeing. I have a question about Joint-Stock companies:

Why do we not consider the constituent assembly of Joint-Stock companies as an offer and acceptance?

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh

Share companies are funds companies, i.e. they represent the money of the participants and not their persons, and the constituent assembly also represents money and not people, so whoever has two shares has two votes, and whoever has ten shares has ten votes, and so on. The joint stock company is a funds company, and this does not take place in Islam, the presence of a physical partner (badan) is a fundamental pillar of the company according to corporate contracts in Islam, and money alone does not create a contract. Accordingly, the constituent assembly in joint-stock companies represents funds, i.e., it is one party and does not create a contract, and therefore there is no offer and acceptance.

It is mentioned in the Economic System in Islam book, p. 162-168 (Arabic version) (p. 178-184 English version), about Joint-Stock (Share) Companies in detail, and I will mention some points from it:

[This is the stock company and it is a void company in Shari'. It is one of the transactions that a Muslim is not allowed to participate in. The reason of its invalidity and the prohibition of associating with it, appear clearly from the following points:

The definition of company in Islam is as follows: it is a contract between two or more persons, in which they agree to carry out financial work with the intention of gaining profit. It is thus a contract between two or more persons.

They then draw up a document, which represents the constitution of the company. This document is then signed by everyone who wishes to enter into the partnership, the signature being considered as an acceptance. Once a person does this, he is then considered as a founder and a partner. In other words his partnership is established once he put his signature or when the subscription period comes to an end. In this process, the absence of two sides that conclude the contract is evident, and nor there is an offer and acceptance. Instead, there is one party who agrees on the conditions, and by its acceptance becomes a partner. It can be seen that the joint stock company is not an agreement between two parties; rather it is an agreement of one party on certain conditions. Thinkers on the Capitalist economy and Western law say that the commitment in this type of company is a type of disposition by individual will.

The contract of the joint stock company by the individual will is invalid (Batil) in Shari' because a contract in Shari' is the linking of an offer originating from one of the contractors with the acceptance of the other contractor in a way that reveals its effect in the issue over which the contract is concluded. This does not occur in the contract of the share stock company as no agreement between two or more persons occurs in the contract.

In addition to this, it is necessary that the body (Badan) which is the disposing person exists in the company in Islam. What is meant by the body (Badan) in the company, in trading (selling), hiring and the other contracts is the disposing person, not the physical body or effort. So, the existence of the body is an essential element in establishing the company. If the body did not exist, the company could not have been established. The share stock company has no body (Badan) at all, and in fact it intentionally removes the personal element from the company. The contract of the share stock company is a contract between properties only. The personal factor does not exist as the properties alone and not their owners are associated with each other; In other words, the funds associate with each other without the existence of a body. The absence of an associating body means the company is not established and it is invalid in view of the Shari'. Shari' dictates that the body is the disposer of the property, and the disposal of the property depends upon it alone. If the body does not exist, then distribution cannot exist.

The people who own the capital are the ones who directly agree on the subscription of the funds, and they elect the board of directors who carry out the work in the company. However, this still does not mean that there is a body in the company, for their agreement is upon making the fund as a partner rather than themselves as partners. So the funds and not its owner is the partner. With regard to their election of the board of directors, this does not mean that the board is their deputies. Rather their funds have been represented by deputies (i.e. the board) selected by them, and no deputation was made on their own behalf. The evidence for this is that the shareholder has votes equal to his shares, so the person who has one share would have one vote or one deputy. The person who has one thousand shares would have one thousand votes; that is one thousand deputies. So the deputation is on behalf of

the funds and not the person. This indicates that the element of the body is missing from the company, which is composed of the element of funds only.

The contract of the share stock company is thus invalid. It is invalid, because it was not established as a company, as defined by Islam] End Quote.

You can refer for more on the topic from the book, The Economic System in Islam, chapter of Joint-Stock Company (Share Companies).

I hope that this is enough to invalidate Share Companies, and Allah is All-Knowing and Most Wise.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

3 Rajab Al-Haram 1444 AH

25/1/2023 CE